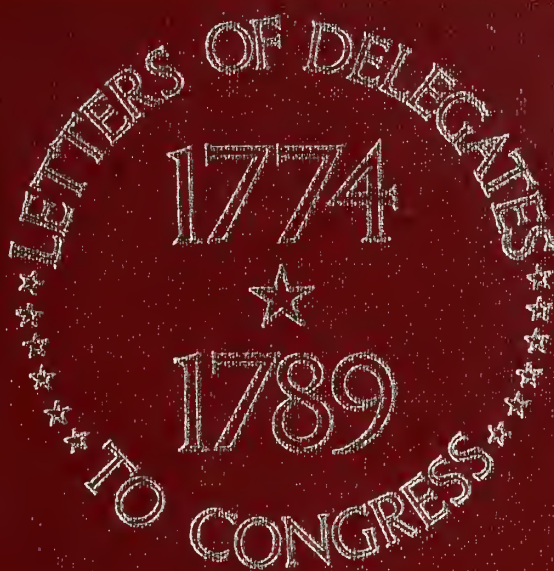
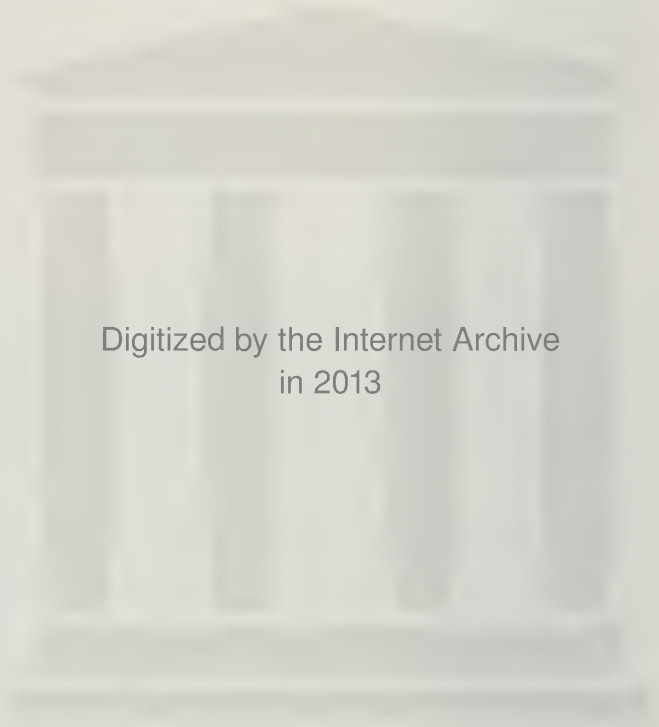


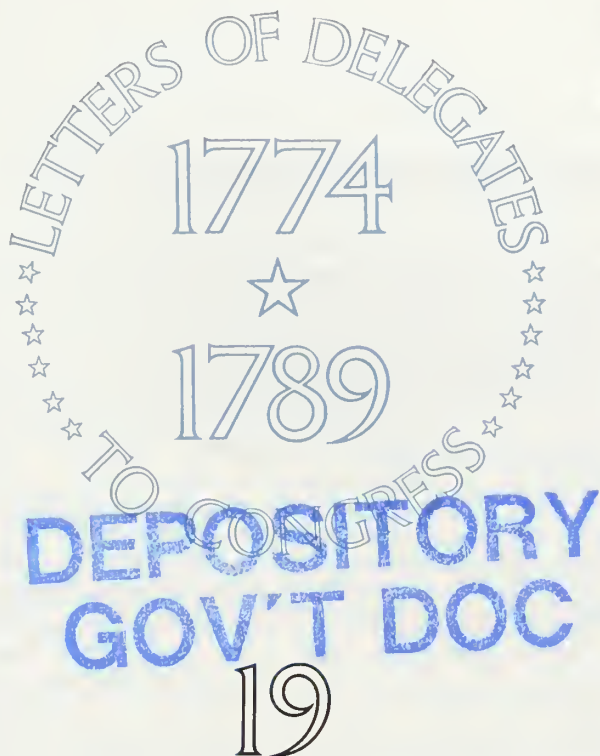








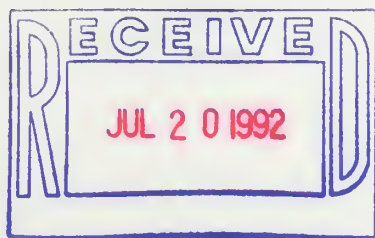
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August 1, 1782–March 11, 1783

Paul H. Smith, Editor

Gerard W. Gawalt and Ronald M. Gephart
Associate Editors



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Editorial Method and Apparatus

In its treatment of documents this edition of delegate letters strives to achieve a middle ground between facsimile reproduction and thorough modernization. The original spelling and grammar are allowed to stand except where editorial changes or insertions are required to make the text intelligible. Words omitted through oversight, however, have been supplied at appropriate places in italic type in brackets, and obvious slips of the pen and inadvertent repetitions are usually silently corrected. Capitalization and punctuation have been standardized according to certain conventions. Each sentence begins with a capital letter, as do all proper and geographic names as well as days of the week and months of the year. Doubtful cases have been resolved in favor of modern usage; otherwise the usage of the original texts has been followed. Generally, abbreviations, contractions, and monetary signs are preserved as they appear in manuscript except when they are ambiguous or misleading. On the other hand, the thorn and the tilde are consistently expanded. "Ye" always appears as "The," for instance, and "reçvd" as "received." Likewise, "pr." and tailed *p*'s are always expanded to "per," "pre," or "pro," as the case demands. Finally, superscript letters are always lowered to the line.

Gaps in the text are indicated by ellipses in brackets for missing words and by blank spaces in brackets for missing numbers. Conjectural readings are supplied in roman type in brackets, and editorial insertions in italic type in brackets. Material canceled in manuscript but restored to the printed text is included in italic type in angle brackets ("square parentheses"). Marginalia in letters are treated as postscripts if not obviously keyed to the body of the document, and postscripts which appear without explicit designation are supplied with a *P.S.* in brackets. Documents are arranged chronologically, with more than one document of the same date arranged alphabetically according to writer. Documents dated only by the month or by the year are placed at the end of the respective month or year. Place-and-date lines always appear on the same line with the salutation regardless of their position in the manuscript.

A descriptive note at the foot of each entry provides abbreviations indicating the nature and location of the document when it was copied for this project, except for privately owned manuscripts whose ownership is explained. The descriptive note also contains information on the document's authorship if explanation is necessary, and endorsements or addresses are quoted when they contain more than routine information. Other editorial practices employed in this work are explained in the sections on editorial apparatus which follow.

TEXTUAL DEVICES

The following devices will be used in this work to clarify the text.

[. . .], [. . . .]	One or two words missing and not conjecturable.
[. . .] ¹ , [. . . .] ¹	More than two words missing; subjoined footnote estimates amount of material missing.
[]	Number or part of a number missing or illegible.
[] ¹	Blank space in manuscript; explanation in subjoined footnote.
[roman]	Conjectural reading for missing or illegible matter; question mark inserted if reading is doubtful.
[<i>italic</i>]	Editorial insertion in the text.
⟨ <i>italic</i> ⟩	Matter crossed out in manuscript but restored.

DESCRIPTIVE SYMBOLS

The following symbols are used in this work to describe the kinds of documents drawn upon. When more than one symbol is used in the descriptive note, the first to appear is that from which the main text is taken.

RC	recipient's copy
FC	file copy
LB	letterbook copy
MS	manuscript
Tr	transcript (used to designate not only contemporary and later handwritten copies of manuscripts, but also printed documents)

LOCATION SYMBOLS

The following symbols, denoting institutions holding the manuscripts in the present volume, are taken from *Symbols of American Libraries*, 13th ed. (Washington: Library of Congress, 1985). Each volume of this edition will contain a revised list.

CsmH	Henry E. Huntington Library, San Marino, Calif.
Ct	Connecticut State Library, Hartford
CtHi	Connecticut Historical Society, Hartford
CtLHi	Litchfield Historical Society, Litchfield, Conn.
CtN1Hi	The New London County Historical Society, New London, Conn.
CtMyMHi	Mystic Seaport, Inc., Mystic, Conn.
CtY	Yale University, New Haven

DLC	Library of Congress
DLC(ESR)	Library of Congress, Early State Records Collection
DNA	National Archives and Records Administration
DSoc	Society of the Cincinnati, Washington, D.C.
De-Ar	Delaware Public Archives Commission, Dover
DeHi	Historical Society of Delaware, Wilmington
ICHi	Chicago Historical Society
InU-Li	Lilly Library, Indiana University, Bloomington
M-Ar	Massachusetts Archives, Boston
MH-H	Harvard University, Houghton Library, Cambridge
MHi	Massachusetts Historical Society, Boston
MSaE	Essex Institute, Salem, Mass.
MWA	American Antiquarian Society, Worcester, Mass.
MdAA	Maryland Hall of Records, Annapolis
MdHi	Maryland Historical Society, Baltimore
MeHi	Maine Historical Society, Portland
MiDbEI	Edison Institute, Henry Ford Museum & Greenfield Village Library, Dearborn, Mich.
MiU-C	William L. Clements Library, Ann Arbor, Mich.
N	New York State Library, Albany
NEh	East Hampton Free Library, East Hampton, N.Y.
NHi	New-York Historical Society, New York
NN	New York Public Library
NNPM	Pierpont Morgan Library, New York
Nc-Ar	North Carolina State Department of Archives and His- tory, Raleigh
NcD	Duke University, Durham, N.C.
NcU	University of North Carolina, Chapel Hill
Nh-Ar	New Hampshire Division of Archives and Records Management, Concord
NhD	Dartmouth College, Hanover, N.H.
NhHi	New Hampshire Historical Society, Concord
Nj	New Jersey State Library, Trenton, N.J.
NjHi	New Jersey Historical Society, Newark
NjMoHP	Morristown National Historical Park, Morristown, N.J.
NjP	Princeton University, Princeton, N.J.
PHC	Haverford College, Haverford, Pa.
PHi	Historical Society of Pennsylvania, Philadelphia
PPAmP	American Philosophical Society, Philadelphia
PPIn	Independence National Historical Park, Philadelphia
PPRF	Rosenbach Foundation, Philadelphia
PU	University of Pennsylvania, Philadelphia
R-Ar	Rhode Island State Archives, Providence
RHi	Rhode Island Historical Society, Providence
RNHi	Newport Historical Society, Newport, R.I.

RPB-JH	John Hay Library, Brown University, Providence, R.I.
RPJCB	John Carter Brown Library, Providence
ScHi	South Carolina Historical Society, Charleston
ScU	University of South Carolina, Columbia
TKL	Public Library of Knoxville, Tenn.
Vi	Virginia State Library, Richmond
ViU	University of Virginia, Charlottesville
ViW	College of William and Mary, Williamsburg, Va.

ABBREVIATIONS AND SHORT TITLES

Adams, *Writings* (Cushing)

Adams, Samuel. *The Writings of Samuel Adams*. Edited by Harry A. Cushing. 4 vols. Boston: G.P. Putnam's Sons, 1904-8.

Bartlett, *Records of R.I.*

Bartlett, John A., ed. *Records of the State of Rhode Island and Providence Plantations in New England*. vols. 8-10. Providence: Cooke, Jackson & Co., 1863-65.

Bio. Dir. of Md. Legis.

A Biographical Dictionary of the Maryland Legislature, 1635-1789. Edited by Edward C. Papenfuss et al. 2 vols. Baltimore: Johns Hopkins University Press, 1979-85.

Bio. Dir. Cong.

U.S. Congress. *Biographical Directory of the United States Congress, 1774-1989*. Washington: U.S. Government Printing Office, 1989.

Blount, *Papers* (Keith)

Blount, John Gray. *The John Gray Blount Papers*. Edited by Alice B. Keith. Raleigh: State Department of Archives and History, 1952.

Boudinot, *Life and Letters*

Boudinot, J. J. *The Life, Public Services, Addresses, and Letters of Elias Boudinot*. 2 vols. Boston: Houghton, Mifflin, 1896; reprint ed., New York: Da Capo Press, 1971.

Burnett, *Letters*

Burnett, Edmund C., ed. *Letters of Members of the Continental Congress*. 8 vols. Washington: Carnegie Institution of Washington, 1921-36.

Cal. of Va. State Papers

Virginia. *Calendar of Virginia State Papers*. Edited by William P. Palmer. 11 vols. Richmond: 1875-93; reprint ed., New York: Kraus Reprint Corp., 1968.

Clinton, *Papers* (Hastings)

Clinton, George. *Public Papers of George Clinton, First Governor of New York, 1777-1795, 1801-1804*. Edited by Hugh Hastings and J. A. Holden. 10 vols. New York and Albany: Wynkoop Hallenbeck Crawford Co. et al., 1899-1914.

DAB

Dictionary of American Biography. Edited by Allen Johnson and Dumas Malone.

Delaware Archives

Delaware Public Archives Commission. *Delaware Archives*, 5 vols. Wilmington, 1911–16.

Delaware Assembly Proceedings

Delaware. *Proceedings of the Assembly of the Lower Counties on Delaware, 1770–76, of the Constitutional Convention of 1776, and of the House of Assembly of the Delaware State, 1776–1781*. Edited by Claudia L. Bushman et al. Newark: University of Delaware Press, 1986.

Evans, Am. Bibliography

Evans, Charles. *American Bibliography*. 12 vols. Chicago: Privately printed, 1903–34.

Hamilton, Papers (Syrett)

Hamilton, Alexander. *The Papers of Alexander Hamilton*. Edited by Harold C. Syrett et al. 26 vols. New York: Columbia University Press, 1961–86.

Hening, Statutes

Hening, William W. *The Statutes at Large; Being a Collection of All the Laws of Virginia*. 13 vols. Richmond: J. & G. Cochran, 1809–23.

Iredell, Papers (Higginbotham)

Iredell, James. *The Papers of James Iredell*. 2 vols. Edited by Don Higginbotham. Raleigh, N.C.: Division of Archives and History, 1976.

Jay, Papers (Morris)

Jay, John. *John Jay, The Winning of the Peace: Unpublished Papers, 1780–1784*. Edited by Richard B. Morris et al. New York: Harper & Row, 1980.

JCC

U. S. Continental Congress. *Journals of the Continental Congress, 1774–1789*. 34 vols. Edited by Worthington C. Ford and Gaillard Hunt. Washington: Library of Congress, 1904–37.

Jefferson, Papers (Boyd)

Jefferson, Thomas. *The Papers of Thomas Jefferson*. Edited by Julian P. Boyd et al. Princeton: Princeton University Press, 1950–.

Jones, Letters (Ford)

Jones, Joseph. *Letters of Joseph Jones, of Virginia, 1777–1787*. Edited by Worthington C. Ford. Washington: Department of State, 1889.

Lafayette, Papers (Idzerda)

Idzerda, Stanley J. et al., eds. *Lafayette in the Age of the American Revolution: Selected Letters and Papers, 1776–1790*. 5 vols. Ithaca: Cornell University Press, 1977–83.

Letters of Virginia Governors

Virginia. *Official Letters of the Governors of the State of Virginia*. Edited by Henry R. McIlwaine. 3 vols. Richmond: Superintendent of Public Printing, 1926–29.

Livingston, *Papers* (Prince)

Livingston, William. *The Papers of William Livingston*. Edited by Carl E. Prince et al. 5 vols. Trenton: New Jersey Historical Commission, 1979–88.

McRee, *Iredell Correspondence*

McRee, Griffith J. *Life and Correspondence of James Iredell, One of the Associate Justices of the Supreme Court of the United States*. 2 vols. New York: Appleton, 1857–58.

Madison, *Papers* (Hutchinson)

Madison, James. *The Papers of James Madison*. Edited by William T. Hutchinson and William M. E. Rachal. Chicago: University of Chicago Press, 1962–.

Md. Archives

Archives of Maryland. Edited by William H. Browne et al. Baltimore: Maryland Historical Society, 1883–.

Morris, *Papers* (Ferguson)

Morris, Robert. *The Papers of Robert Morris, 1781–1784*. Edited by E. James Ferguson et al. Pittsburgh: University of Pittsburgh Press, 1973–.

N.C. State Records

North Carolina. *The State Records of North Carolina*. Edited by Walter Clark. Vols. 11–16. Winston and Goldsboro, N.C.: N. I. and J. C. Stewart et al., 1895–1914.

NHPRC

National Historical Publications and Records Commission.

N.H. State Papers

New Hampshire. *Provincial and State Papers*. 40 vols. Concord, 1867–1943.

NYHS Collections

Collections of the New-York Historical Society.

OED

Oxford English Dictionary.

Pa. Archives

Pennsylvania Archives. 9 series, 119 vols. in 120. Philadelphia: J. Severns & Co., 1852–56; Harrisburg: State Printer, 1874–1935.

Pa. Council Minutes

Pennsylvania. *Minutes of the Supreme Executive Council of Pennsylvania, from its Organization to the Revolution*. 6 vols. [Colonial Records of Pennsylvania, vols. 11–16]. Harrisburg: Theo. Fenn & Co., 1852–53.

The Parliamentary Register

Great Britain. Parliament. *The Parliamentary Register; or, History of the Proceedings and Debates of the House of Commons . . .* [1780–96]. London: J. Debrett, 1781–96. 45 vols.

PCC

Papers of the Continental Congress. National Archives and Records Administration. Washington, D.C.

PMHB

Pennsylvania Magazine of History and Biography.

Public Records of Connecticut

J. H. Trumbull and Charles J. Hoadly, eds. *The Public Records of the Colony of Connecticut* . . . 15 vols. Hartford: Case, Lockwood & Brainard Co., 1850-90.

SCHGM

South Carolina Historical and Genealogical Magazine.

Shipton, *Harvard Graduates*

Shipton, Clifford K. *Biographical Sketches of Those Who Attended Harvard College*. Sibley's Harvard Graduates. Boston: Massachusetts Historical Society, 1873-.

Staples, *Rhode Island*

Staples, William R. *Rhode Island in the Continental Congress, 1765-1790*. Providence: Providence Press Co., 1870.

Susquehannah Co. Papers

Boyd, Julian P., and Taylor, Robert J., eds. *The Susquehannah Company Papers*. 11 vols. Ithaca, N.Y.: Cornell University Press, 1962-71.

Walton, *Records of Vermont*

Walton, E. P., ed., *Records of the Governor and Council of the State of Vermont*. 8 vols. Montpelier, Vt.: J. & M. Poland, 1873-80.

Washington, *Writings* (Fitzpatrick)

Washington, George. *The Writings of George Washington*. Edited by John C. Fitzpatrick. 39 vols. Washington: U. S. Government Printing Office, 1931-44.

Wharton, *Diplomatic Correspondence*

Wharton, Francis, ed. *The Revolutionary Diplomatic Correspondence of the United States*. 6 vols. Washington: U. S. Government Printing Office, 1889.

WMQ

William and Mary Quarterly. 3d series.

Acknowledgments

This edition began in 1970 as a project of the Library of Congress American Revolution Bicentennial Office, now incorporated into the Library's Manuscript Division as the Historical Publications Office. The Library has had a long tradition of publishing scholarship on the period of the American Revolution. Its monumental edition of the *Journals of the Continental Congress, 1774-1789* (34 vols., Washington, 1904-37) is a predecessor of the present work and will be a companion to it. The editors wish to thank the Ford Foundation for a substantial gift which has been indispensable to the progress of the edition. Our appreciation is also extended to the innumerable individuals who have contributed to enriching the holdings of the Library of Congress to make it the premier institution for conducting research on the American Revolution.

The photocopies of the more than twenty-two thousand documents that have been collected for this project have been assembled through the cooperation of several hundred institutions and private individuals devoted to preserving the documentary record upon which the history and traditions of the American people rest, and it is to their work that a documentary publication of this nature should ultimately be dedicated. Unfortunately, all the many contributors to this collecting effort cannot be adequately recognized, but for permission to print documents appearing in the present volume we are especially grateful to the following institutions: the American Antiquarian Society, American Philosophical Society, Archives du ministère des affaires étrangères (Paris), Archives Nationales (Paris), Archivo General de Indias (Seville), John Carter Brown Library, Brown University, Chicago Historical Society, Society of the Cincinnati, William L. Clements Library, Connecticut Historical Society, Connecticut State Library, Dartmouth College, Historical Society of Delaware, Delaware Public Archives Commission, Duke University, East Hampton Free Library, Essex Institute, Greenfield Village and Henry Ford Museum, Harvard University, Haverford College, Henry E. Huntington Library, Independence National Historical Park, Indiana University, Knoxville Public Library, Litchfield Historical Society, Maine Historical Society, Maryland Hall of Records, Maryland Historical Society, Massachusetts Archives Division, Massachusetts Historical Society, Pierpont Morgan Library, Morristown National Historical Park, Mystic Seaport, Inc., National Archives and Records Administration, New Hampshire Division of Archives and Records Management, New Hampshire Histori-

cal Society, New Jersey Historical Society, New Jersey State Library, New London County Historical Society, Newport Historical Society, New-York Historical Society, New York Public Library, New York State Library, North Carolina Department of Archives and History, University of North Carolina, Historical Society of Pennsylvania, University of Pennsylvania, Princeton University, Public Record Office (London), Rhode Island Historical Society, Rhode Island State Archives, Rosenbach Foundation, South Carolina Historical Society, University of South Carolina, Virginia State Library, University of Virginia, College of William and Mary, and Yale University. And in addition we express our thanks and appreciation to Mr. Sol Feinstone, Mr. Andrew Fiske, Mr. Ronald von Klaussen, Mrs. Margaret T. Pendleton, Capt. J. G. M. Stone, and Mrs. Aileen Moore Topping.

This work has benefitted not only from Edmund C. Burnett's pathfinding 8-volume edition of *Letters of Members of the Continental Congress* but also from the generous cooperation of the editors of several other documentary publications with a common focus on the revolutionary era. From them the Library has borrowed heavily and to them it owes a debt it can never adequately acknowledge. It is a pleasure to give special thanks to the editors of the papers of John Adams, Benjamin Franklin, Thomas Jefferson, Henry Laurens, James Madison, Robert Morris, and George Washington. Finally we owe thanks to the historians who served on the Advisory Committee on the Library's American Revolution Bicentennial Program, and especially to Mr. Julian P. Boyd, Mr. Lyman H. Butterfield, and Mr. Merrill Jensen, who generously acted as an advisory committee for the *Letters* project.

Paul H. Smith
Historical Publications Office
Manuscript Division

Chronology of Congress

AUGUST 1, 1782–MARCH 11, 1783

- | | |
|----------------|---|
| August 1 | Reorganizes adjutant general's department. |
| August 5 | Receives Robert Morris' funding plan. |
| August 6 | Revises John Jay's diplomatic instructions. |
| August 7 | Reorganizes Continental Army. |
| August 9 | Receives British commissioners' announcement that peace negotiations have begun at Paris. |
| August 12 | Authorizes Washington to negotiate prisoner exchange. |
| August 14 | Suspends inquiry into General Gates' conduct at Camden. |
| August 15 | Rejects move to repeal peace commissioners' instructions to be guided by French court. |
| August 16 & 20 | Debates Massachusetts' petition to include fisheries claim in peace ultimata. |
| August 23 | Appoints judges to hear Connecticut-Pennsylvania boundary dispute. |
| August 27 | Debates Kentucky statehood petition. |
| August 29 | Orders purchase of ship for packet service to Europe. |
| September 3 | Orders resumption of postal service to the Carolinas and Georgia; presents ship <i>America</i> to France. |
| September 4 | Sets fiscal quota for the immediate payment of interest on the public debt. |

September 6	Debates proposal to appeal to the states to cede western lands.
September 9	Suspends issuance of bills of exchange to pay loan office certificate interest; instructs Washington on prisoner cartel.
September 10	Sets state fiscal quotas.
September 12	Endorses Robert Aitken's proposal to print an American edition of the Bible.
September 14	Authorizes solicitation of \$4 million in foreign loans.
September 16	Commissions Washington to negotiate prisoner exchange.
September 17	Refuses to accept Henry Laurens' resignation as peace commissioner.
September 19 & 20	Debates report that Henry Laurens improperly petitioned parliament while imprisoned.
September 24	Receives information from the chevalier de La Luzerne on recent peace maneuvers in Europe.
September 28	Adopts plan of a treaty of amity and commerce with Sweden.
October 1	Rejects New Jersey plan to retain Continental revenues for the payment of the state's Continental troops.
October 3	Reassures France on U.S. commitment to military preparedness and to its no separate peace pledge.
October 10	Appeals to Rhode Island and Georgia to adopt impost amendment.
October 11	Sets day of thanksgiving and prayer.
October 14 & 15	Debates promotion of general officers.

October 16	Sets fiscal quota for 1783; instructs Washington on prisoner exchange negotiations.
October 18	Requests Washington to decide fate of Wyoming garrison; sets state fiscal quotas; adopts Post Office ordinance.
October 23	Reorganizes quartermaster department.
October 28	Adopts supplemental Post Office ordinance; recommends suspension of plans to execute Charles Asgill in retaliation for the death of Joshua Huddy.
October 29	Accepts New York's western land cession.
November 1	Refers investigation of Alexander Gillon to the superintendent of finance.
November 2	Committee on Indian affairs confers with Catawba Indian delegation.
November 4	Convenes new Congress; elects Elias Boudinot president.
November 7	Orders Washington to free Charles Asgill.
November 8	Requests British officials to continue investigation of the death of Joshua Huddy.
November 12	Renews appointment of Thomas Jefferson as peace commissioner.
November 14	Debates report on Vermont's seizure of New York citizens.
November 18	Appoints Thomas Barclay commissioner to settle the accounts of Continental officials abroad.
November 19	Adopts new rules for carrying out the reorganization of the Continental Army.
November 20	Debates Pennsylvania petitions on providing for the state's public creditors.
November 21	Debates salaries of officials abroad.

- November 25 & 26 Debates propriety of exchanging Henry Laurens for Earl Cornwallis.
- November 27 Orders seizure of two Vermonters reported to be in correspondence with the enemy.
- December 3 Accepts resignation of secretary for foreign affairs.
- December 4 Grants John Paul Jones' request to serve with French navy.
- December 5 Censures Vermont officials; appoints appeals court judges.
- December 6 Directs superintendent of finance to exhort states to comply with fiscal quotas; appoints deputation to go to Rhode Island to secure ratification of impost amendment.
- December 11 Authorizes hiring out of prisoners of war.
- December 12 Receives Rhode Island explanation of rejection of impost amendment.
- December 13 David Howell acknowledges authorship of published letter violating congressional secrecy rules.
- December 16 Adopts response to Rhode Island's rejection of impost amendment.
- December 17 Reaffirms determination to send deputation to Rhode Island.
- December 21 Postpones resignation of secretary for foreign affairs; grants secretary leave of absence.
- December 24 Amends Post Office ordinance to extend franking privilege.
- December 25 & 26 Observes Christmas.
- December 31 Instructs peace commissioners to seek commercial reciprocity with Britain.

- | | |
|---------------|---|
| January 1 & 2 | Thanks France for military aid and naval protection. |
| January 3 | Records Trenton trial decree in Connecticut-Pennsylvania boundary dispute (first settlement of interstate dispute under Articles of Confederation). |
| January 6 | Receives army petition on pay arrears; appoints committees to inquire into the management of the executive departments. |
| January 7 | Debates setting exchange rate for redeeming old Continental emissions. |
| January 10 | Learns that superintendent of finance has overdrawn bills of exchange on "the known funds procured in Europe"; army deputation meets with grand committee on Continental Army grievances. |
| January 13 | Debates expediency of negotiating additional foreign loans. |
| January 14 | Acquiesces in Rhode Island delegates' request to share intelligence from abroad with state's officials; debates land valuation formula in grand committee. |
| January 17 | Thanks General Greene and the southern army; declares inexpediency of seeking additional foreign loans. |
| January 21 | Receives U.S.-Dutch treaty negotiated by John Adams. |
| January 22 | Ratifies Franco-American contract negotiated by Benjamin Franklin. |
| January 23 | Ratifies Dutch treaty. |
| January 24 | Orders investigation of abuses of flag of truce by the <i>Amazon</i> ; rejects report recommending establishment of a library for Congress. |

- | | |
|----------------|---|
| January 25 | Directs the superintendent of finance to pay the Continental Army. |
| January 27–31 | Debates proposals for funding the public debt. |
| January 30 | Rejects Pennsylvania proposal to pay interest due on Continental securities owned by its own citizens. |
| February 4 | Receives Vermont remonstrance against threatened Continental intervention. |
| February 4–8 | Debates proposals for funding the public debt and setting state quotas. |
| February 10–14 | Debates proposals for funding the public debt and setting state quotas. |
| February 17 | Adopts plan to appoint commissioners for estimating land values and setting state quotas. |
| February 18 | Orders superintendent of finance to estimate the public debt, and each executive department to report a comprehensive civil list. |
| February 21 | Exhorts states to maintain their representation in Congress. |
| February 25–28 | Debates proposals for commutation of Continental officers' half pay. |
| March 4 | Amends ordinance "for establishing courts for the trial of piracies." |
| March 6–7 | Receives report on funding the public debt. |
| March 10 | Debates commutation of Continental officers' half pay. |
| March 11 | Debates revenue proposals. |

List of Delegates to Congress

This section lists both the dates on which delegates were elected to terms falling within the period covered by this volume and the inclusive dates of their attendance. The former are generally ascertainable from contemporary state records, but the latter are often elusive bits of information derived from the journals of Congress or extrapolated from references contained in the delegates' correspondence, and in many cases the "facts" are inevitably conjectural. It is not possible to determine interruptions in the attendance of many delegates, and no attempt has been made to record interruptions in service caused by illness or brief trips home, especially of delegates from New Jersey, Delaware, Maryland, and Pennsylvania living within easy access of Congress. For occasional references to such periods of intermittent service as survive in the correspondence and notes of various delegates, see the index under individual delegates. Until fuller information is provided in a consolidated summary of delegate attendance in the final volume of this series, the reader is advised to consult Burnett, *Letters* 6:xliii–liii, 7:lxii–lxxvi, for additional information on conjectural dates of attendance. Brief biographical sketches of all the delegates are available in the *Biographical Directory of the United States Congress, 1774–1989*, and fuller sketches of more than half of the delegates can be found in the *Dictionary of American Biography*.

CONNECTICUT

Eliphalet Dyer

Elected: February 8 and October 15, 1782

Attended: August 1 to November 11, 1782

Oliver Ellsworth

Elected: May 9, 1782

Attended: December 20, 1782, to January 31, 1783

Benjamin Huntington

Elected: May 9, 1782

Attended: August 1 to November 8, 1782

Samuel Huntington

Elected: May 9, 1782

Did not attend August 1782 to March 1783

Richard Law

Elected: May 9, 1782

Did not attend August 1782 to March 1783

Jesse Root

Elected: May 9, 1782

Attended: August 1–23, 1782

Jedediah Strong

Elected: May 9, 1782

Did not attend Congress

Oliver Wolcott

Elected: May 9, 1782

Attended: December 20, 1782, to March 11, 1783

DELAWARE

Gunning Bedford, Jr.

Elected: February 1, 1783

Attended: March 10–11, 1783

Philemon Dickinson

Elected: February 2, 1782

Attended: October 28? to November 2, 1782

Eleazer McComb

Elected: February 1, 1783

Attended: March 10–11, 1783

Thomas McKean

Elected: February 2, 1782

Attended: August 1 to September 20?; October 28? to December 31, 1782

Caesar Rodney

Elected: February 2, 1782; February 1, 1783

Did not attend in 1782 or 1783

James Tilton

Elected: February 1, 1783

Did not attend February–March 1783

Samuel Wharton

Elected: February 2, 1782

Attended: August 1 to September 10?; October 14? to December 5, 1782; December 21, 1782 to January 31, 1783

GEORGIA

William Few

Elected: January 9, 1782

Attended: August 1 to October 3? 1782

Noble Wimberly Jones

Elected: January 9, 1782

Attended: August 1 to November 1, 1782

Edward Telfair

Elected: January 9, 1782

Attended: August 1 to September 10? 1782

MARYLAND

Daniel Carroll

Elected: November 28, 1781; November 27, 1782

Attended: August 28, 1782, to March 11, 1783

Edward Giles

Elected: November 27, 1782

Did not attend Congress

John Hanson

Elected: November 28, 1781

Attended: August 1 to November 4, 1782

William Hemsley

Elected: June 15 and November 27, 1782

Attended: September 28 to November 20? 1782; February 25 to March 11, 1783

Thomas Sim Lee

Elected: November 27, 1782

Attended: March 3-11, 1783

Turbutt Wright

Elected: November 28, 1781

Attended: August 19 to October 17? 1782

MASSACHUSETTS

Elbridge Gerry

Elected: June 6, 1782

Did not attend August 1782 to March 1783

Nathaniel Gorham

Elected: October 24, 1782

Attended: December 12, 1782 to March 11, 1783

Stephen Higginson

Elected: October 24, 1782

Attended: February 27 to March 11, 1783

Samuel Holten

Elected: October 24, 1782

Attended: February 4 to March 11, 1783

Jonathan Jackson

Elected: June 6, 1782

Attended: August 1 to November 5, 1782

John Lowell

Elected: June 6, 1782

Attended: August 1-2? 1782

Samuel Osgood

Elected: June 6, 1782

Attended: August 1, 1782, to March 11, 1783

George Partridge

Elected: June 6, 1782

Did not attend August 1782 to March 1783

Increase Sumner

Elected: June 28, 1782

Did not attend Congress

James Warren

Elected: October 24, 1782

Did not attend Congress

NEW HAMPSHIRE

Josiah Bartlett

Elected: February 26, 1783

Did not attend in 1783

Jonathan Blanchard

Elected: February 28, 1783

Declined

Nathaniel Folsom

Elected: February 19, 1783

Did not attend in 1783

Abiel Foster

Elected: February 19, 1783

Did not attend February–March 1783

John Taylor Gilman

Elected: January 15 and September 14, 1782

Attended: August 1, 1782, to March 11, 1783

Woodbury Langdon

Elected: December 29, 1781

Did not attend in 1782 or 1783

Samuel Livermore

Elected: December 29, 1781

Did not attend August 1782 to March 1783

Ebenezer Thompson

Elected: February 27, 1783

Did not attend Congress

Timothy Walker

Elected: January 15, 1782

Did not attend Congress

Phillips White

Elected: September 13, 1782

Attended: November 4, 1782, to March 11, 1783

NEW JERSEY

Elias Boudinot

Elected: November 2, 1781; October 30, 1782

Attended: September 13? 1782, to March 11, 1783

Abraham Clark

Elected: November 2, 1781; October 30, 1782

Attended: August 1 to September 26?; November 18 to December 31, 1782; February 28 to March 11, 1783

Silas Condict

Elected: November 2, 1781; October 30, 1782

Attended: August 1 to October 18? 1782; December 30, 1782, to March 11, 1783

Jonathan Elmer

Elected: November 2, 1781; October 30, 1782

Attended: December 13, 1782, to February 17? 1783

Frederick Frelinghuysen

Elected: October 30, 1782

Did not attend in 1782 or 1783

William Churchill Houston

Elected: November 2, 1781

Did not attend in 1782

John Witherspoon

Elected: May 30, 1782

Attended: August 1 to November 4, 1782

NEW YORK

James Duane

Elected: July 22, 1782

Attended: August 1 to November 27, 1782

William Floyd

Elected: July 22, 1782

Attended: November 27, 1782, to March 11, 1783

Alexander Hamilton

Elected: July 22, 1782

Attended: November 25, 1782, to March 11, 1783

Ezra L'Hommedieu

Elected: July 22, 1782

Attended: August 28 to November 27, 1782

John Morin Scott

Elected: July 22, 1782

Attended: August 1-28, 1782

NORTH CAROLINA

William Blount

Elected: May 3, 1782

Attended: August 1 to November 14?; December 2? 1782, to February 8? 1783

Benjamin Hawkins

Elected: May 3, 1782

Attended: December 21, 1782, to March 11, 1783

Abner Nash

Elected: May 3, 1782

Attended: November 4, 1782, to February 5? 1783

Hugh Williamson

Elected: May 3, 1782

Attended: August 1, 1782, to March 11, 1783

PENNSYLVANIA

Samuel J. Atlee

Elected: November 21, 1781

Attended: August 12? to October 28? 1782

George Clymer

Elected: November 21, 1781

Attended: August 1 to November 12, 1782

Thomas FitzSimons

Elected: November 12, 1782

Attended: November 18, 1782, to March 11, 1783

Thomas Mifflin

Elected: November 12, 1782

Attended: November 20, 1782, to March 11, 1783

John Montgomery

Elected: November 12, 1782

Attended: December 18, 1782, to March 11, 1783

Joseph Montgomery

Elected: November 21, 1781

Attended: August 1 to October 28, 1782

Richard Peters

Elected: November 12, 1782

Attended: November 18, 1782, to March 11, 1783

Thomas Smith

Elected: November 21, 1781

Attended: August 1 to November 12, 1782

James Wilson

Elected: November 12, 1782

Attended: January 2 to March 11, 1783

Henry Wynkoop

Elected: November 21, 1781

Attended: August 1 to November 12, 1782

RHODE ISLAND

Jonathan Arnold

Elected: May 1, 1782

Attended: October 10, 1782, to March 11, 1783

John Collins

Elected: May 1, 1782

Attended: December 12, 1782, to March 11, 1783

Ezekiel Cornell

Elected: May 1, 1782

Attended: August 1 to September 18, 1782

David Howell

Elected: May 1, 1782

Attended: August 1, 1782 to January 6, 1783

SOUTH CAROLINA

John Lewis Gervais

Elected: January 31, 1782

Attended: August 1, 1782, to March 11, 1783

Ralph Izard

Elected: January 31, 1782; February 12, 1783

Attended: August 1, 1782, to March 11, 1783

Henry Laurens

Elected: February 13, 1783

Did not attend in 1783

Arthur Middleton

Elected: January 31, 1782

Attended: August 1 to October 15, 1782

David Ramsay

Elected: January 31, 1782

Attended: August 1, 1782, to March 11, 1783

Jacob Read

Elected: February 12, 1783

Did not attend February–March 1783

John Rutledge

Elected: January 31, 1782; February 13, 1783

Attended: August 1, 1782, to March 11, 1783

Thomas Sumter

Elected: February 12, 1783

Declined

VIRGINIA

Theodorick Bland, Jr.

Elected: June 15, 1782

Attended: August 1 to November 12? 1782; January 20? to March 11, 1783

Joseph Jones

Elected: June 15, 1782

Attended: September 5 to October 18?; November 18, 1782, to March 11, 1783

Arthur Lee

Elected: June 15, 1782

Attended: August 1 to October 4, 1782; January 27 to March 11, 1783

James Madison, Jr.

Elected: June 15, 1782

Attended: August 1, 1782 to March 11, 1783

John Francis Mercer

Elected: December 18, 1782

Attended: February 6 to March 11, 1783

Edmund Randolph

Elected: June 15, 1782

Did not attend August 1782 to March 1783

Illustrations

View of Philadelphia

endpapers

"An East Prospect of the City of Philadelphia; taken by George Heap from the Jersey Shore, under the Direction of Nicholas Scull Surveyor General of the Province of Pennsylvania." This detail is from an engraving by Thomas Jeffreys based on an etching of the city published in Thomas Jeffreys, *A General Topography of North America and the West Indies. Being a Collection of All the Maps, Charts, Plans, and Particular Surveys, That Have Been Published of That part of the World, Either in Europe or America* (London: R. Sayer, 1768).

Number of Continental officers, noncommissioned officers, and privates, with their "Pay & Emoluments Per Year," August 1782 16

The growing imbalance between the number of Continental officers and privates and the high cost of paying and subsisting the army led Congress on July 11, 1782, to direct the secretary at war to suspend the issuance of Continental commissions without prior approval. As John Taylor Gilman explained to Josiah Bartlett in a letter of July 9, "Figure to your self Sir the pay and Subsistance of at Least Thirty Field Officers, Eighty Captains & 160 subalterns besides a Number of General & Staff Officers (all belonging to one State) who have not private Soldiers Enough to give each Officer a Servant." And to dramatize his concern, Gilman prepared this list showing the strength of the Continental units of each state and the cost of their "Pay & Emoluments Per Year," which he sent to Bartlett on August 5.

Letter from John Taylor Gilman to Josiah Bartlett, August 5, 1782, Bartlett Papers, Dartmouth College Library.

David Howell

266

Howell (1747–1824) was born in New Jersey and graduated from the College at Princeton in 1766 but was invited by Pres. James Manning to Rhode Island College, where he took the degree of A.M. and was appointed professor of mathematics and natural philosophy in 1769. He was also admitted to the Rhode Island bar at about the same time and subsequently embarked upon a successful law practice that led to appointments as justice of the peace in 1779, to the court of common pleas in 1780, to the state supreme court in 1786–87, and as Rhode Island attorney general in 1789. From 1782 to 1785 Howell served as a delegate to Congress, where he became the principal

opponent of the proposed Continental impost, setting himself adamantly against the nationalist proclivities of his predecessors Ezekiel Cornell and James M. Varnum. He consequently became embroiled in controversy with the principal nationalists in Congress, denouncing as exaggerations reports of the decline of Continental credit abroad, and leaking information to the press to support his position in violation of congressional secrecy rules. He prevailed, however, against intense pressures, and rallied the unanimous support of the Rhode Island Assembly against the impost, thereby dooming the plan and ultimately forcing nationalists to bolder visions of centralized power. Howell served the last 12 years of his life on the United States District Court for Rhode Island in Providence.

Engraving by Max Rosenthal. Prints and Photographs Division, Library of Congress (LC-USZ62-54681).

John Taylor Gilman

300

Gilman (1753–1828) undoubtedly inherited a predilection for financial affairs from his father, Nicholas, a New Hampshire shipbuilder, merchant, and state treasurer, a position John succeeded to himself upon his father's death in 1783. He served in the New Hampshire legislature in 1779–81, represented the state at the Hartford economic convention of 1780, and was a delegate to Congress in 1782–83. Arriving in Philadelphia in the midst of a fiscal crisis, Gilman worked in behalf of a number of measures for restoring Continental credit by supporting the impost amendment, Robert Morris' Bank of North America, various revenue measures for funding interest payments on loan office certificates, and reducing the size of the Continental Army. He also showed concern for the plight of supernumerary officers created by the reorganization of the New Hampshire Line, backed the claims of the New Hampshire towns on the west bank of the Connecticut River, and worked for settlement of New Hampshire's Continental accounts, which he later became more directly involved in himself as a commissioner for settling state accounts with the United States in 1788–91. His fourteen years as Federalist governor of New Hampshire, 1794–1805 and 1813–16, stand as the state's record for service in that office.

Engraving by Max Rosenthal. Prints and Photographs Division, Library of Congress (LC-USZ62-54674).

Elias Boudinot

338

Boudinot (1740–1821), a conservative New Jersey lawyer, was active in the movement against the coercive policies of the North ministry and Gov. William Franklin, but also advocated caution in the rush to independence. He stepped onto the Continental stage when he was appointed commissary general of prisoners in June 1777, and he rep-

resented New Jersey in Congress in 1778 and from July 1781 to November 1783. His conspicuous service in that body led to his election as president of Congress in November 1782. In that capacity he played a crucial role in bringing about its removal in June 1783 from Philadelphia to Princeton, N.J., the location of the College of New Jersey, which he served as a trustee. During his tenure as commissary of prisoners he developed a strong commitment to General Washington and the welfare of the Continental Army, and he was president of Congress during the demobilization of the army and the ratification of the preliminary treaty of peace in April 1783. He strongly supported ratification of the Constitution, defended the policies of Alexander Hamilton in the House of Representatives to which he was elected in 1789, and was appointed director of the United States Mint in 1795.

Painting by Charles Willson Peale, ca. 1782. Independence National Historical Park.

Ralph Izard

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Izard (1742–1804), grandson of the first royal governor of South Carolina and heir to a great rice and indigo plantation, was educated in England, married into the powerful De Lancey family of New York, and had returned with his wife to live in London before the outbreak of the revolution. Befriended by Arthur Lee, he moved to Paris in 1776, apparently planning to return home, but while there was appointed by Congress commissioner to Tuscany. Although never received by the grand duke, he remained in France until 1780, becoming estranged from Benjamin Franklin, the American minister to France, over a number of policy matters and the handling of his accounts. After his recall and return to America, Congress adopted a resolution approving his conduct as commissioner, and he was elected to represent South Carolina in Congress in 1782–83 during the state's occupation. Incurring heavy losses in the British invasion, Izard was a strong backer of Gen. Nathanael Greene and of measures for reviving Continental finances, and he vehemently criticized British cruelties such as the execution of Col. Isaac Hayne. Having lost most of his slaves, he also worked to obtain Sir Guy Carleton's adherence to the peace treaty provision prohibiting the "carrying away any negroes or other property of the American inhabitants" upon the withdrawal of British forces. Izard later became a staunch Federalist and supporter of Washington under the new federal government, and he served in the first United States Senate, 1789–95.

Painting by John Trumbull, 1791. Yale University Art Gallery.

William Blount

554

Blount (1749–1800) was a paymaster of North Carolina Continental troops in 1777, a member of the North Carolina house and senate successively from 1780 to 1786, and a delegate to Congress in 1782–83

and 1786–87. His concerns reflected those of his constituents over premature withdrawal of Continental troops from the South as the war drew to a close and the adverse impact of the fiscal proposals of Continental creditors on the southern states. But he also supported the cession of the state's western lands to the United States, and was later appointed governor of the southwest territory and superintendent of Indian affairs by President Washington in 1790. Blount was a delegate to the Constitutional Convention in 1787, and although North Carolina initially refused to ratify the federal constitution he won election to the state's second convention and helped bring about its ratification. He later played a central role in the movement for Tennessee statehood and was elected to the United States Senate by the state in 1796, although he was expelled from that body the following year for complicity in a plot to conquer Spanish West Florida. He ended his public career as president of the Tennessee Senate.

Painting by W. B. Cooper, from a miniature of unknown date. Tennessee State Museum Foundation, Inc.

Eliphalet Dyer

574

Dyer (1721–1807), a Windham, Conn., lawyer, was one of the original organizers of the Susquehannah Company, whose claims to the Wyoming Valley he represented on a special mission to England in 1763 and subsequently promoted in a series of moves in Congress, until a Continental commission ruled against Connecticut in favor of Pennsylvania in 1782. He was a delegate to the Stamp Act Congress, a judge and later chief justice (1789–93) of the superior court of Connecticut, and a delegate to the Continental Congress, 1774–79 and 1782–83. There he diligently worked to improve the provisioning and supply of the Continental Army, especially during the tenures of the commissaries general from Connecticut, his son-in-law Joseph Trumbull and Jeremiah Wadsworth. But he also frequently found himself under pressure for opposing lifetime half pay for Continental officers as well as commutation of half-pay claims to whole pay for five years, as instructed by the Connecticut Assembly—an issue on which he reversed himself in a key vote in March 1783 when the army's fiscal grievances threatened to boil out of control and his opposition blocked adoption of a commutation resolution.

Painting attributed to William Johnston, 1763. Connecticut Historical Society.

Jonathan Arnold

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Arnold (1741–93), a native of Providence, represented the town in the Rhode Island Assembly in 1776 before becoming surgeon and director of the Continental Hospital at Providence, 1776–81. He was subsequently elected to Congress, attending from October 1782 to

July 1783, a period of intense concern over Continental finances. Although Rhode Island had strongly supported Continental policies during much of the war, Arnold and his colleague David Howell set themselves against the nationalist policies of their predecessors Ezekiel Cornell, William Ellery, and James M. Varnum, especially in opposing half pay to Continental Army officers and granting Congress authority to levy a Continental impost. Arnold frequently found himself under fire from congressional colleagues for opposing the impost, and early in 1783 he was accused of leaking a warning to two Vermont activists facing arrest for correspondence with the British. Arnold defended himself against the charge but was unable to produce the evidence that he declared would clear him; and his heavy involvement in the development of a 3,900-acre Vermont tract granted to him by Gov. Thomas Chittenden and his move to St. Johnsbury, Vt., in 1787 underscored the strength of his commitment to promoting Vermont interests.

Engraving by Max Rosenthal. Prints and Photographs Division, Library of Congress (LC-USZ62-54661).

John Lewis Gervais

666

A wealthy South Carolina merchant-planter, Gervais (1741?-98) was born and educated in Germany, but his mercantile interests early took him to England and to South Carolina, where he became a partner of Henry Laurens in a project to bring German immigrants to the Ninety Six District, his residence for a number of years before he settled in Charleston. He supported the American Revolution from its beginning, becoming a member successively of the Council of Safety, the Provincial Congress, the General Assembly, and the South Carolina Senate. In 1775 Gervais was also designated quartermaster to two South Carolina regiments, and in 1778 he was appointed both deputy paymaster general of the Continental Army in the southern department and deputy postmaster general. A delegate to Congress in 1782-83, Gervais worked particularly to prevent the premature withdrawal of Continental troops from the southern department, and to ensure observation of the peace treaty provision prohibiting the "carrying away" of slaves and other American property at the British evacuation of Charleston and New York.

Engraving by Albert Rosenthal. Prints and Photographs Division, Library of Congress (LC-USZ62-54673).

LETTERS OF DELEGATES
19
August 1, 1782–
March 11, 1783
TO CONGRESS

Charles Thomson's Notes of Debates

August 1. [1782]

A plan for regulating the departments of the Adjutant General was taken into consideration & passed; the principal debate respecting it was on a paragraph for allowing the Adjutant General to draw four soldiers from the line as servants to wait on him. It was objected to by Mr Montgomery, Mr Scott, Mr Witherspoon and Mr Lee. Mr Cornell, Mr Bland & Mr Duane supported it. At length by a compromise the paragraph was struck out & the number of servants to be taken from the line by the Adj. Genl was left to be settled by a general regulation which should include the officers of the Army.¹

A motion was then made by Mr Lowell that Mr John Temple might be furnished with a copy of Mr Adams's Letter of 16th August 1781 respecting him, the letter being produced and read.²

Mr Duane objected to the motion as improper. The letter was written to Congress by one of their ministers who declares he wrote it without the knowledge of Mr T——; it would tend to destroy confidential communications from ministers if copies of their letters were made public He had no objection against sending a copy to the Executive of Massachusetts who had ordered an enquiry into the conduct of Mr T——.

Mr Lowell thought Mr T—— had a right to a copy.

Mr Lee was of the same opinion. He blamed the conduct and resolution of Congress, said they had insinuated suspicions and drawn conclusions which that letter did not warrant, and therefore he ought to have it for his justification. He was personally acquainted with Mr Temple & knew him to be a warm friend to America & had suffered much for his attachment to it.

Mr Madison denied that Congress had drawn any conclusions from that letter prejudicial to the character of Mr Temple. The jealousies and suspicions respecting him were grounded on his conduct which was notorious to an American. His coming from England in 1778 by the way of New York at the same time the Commissioners were sent. The person accompanying him, Doct Berkenhout, a known agent and emissary of the British ministry. His return to England without permission or notice given of his intention. The rumours and publications respecting his intercourse with the British ministry. His coming again to America at a very critical time. These were the circumstances on which the suspicions were grounded. And as it was understood that he sheltered himself under the cover of being the bearer of public dis-

patches from Mr Adams & appealed to a letter written in his favour by Mr Adams, Congress related only simple facts; namely that the subject of the letters with which he was entrusted & those which Mr Adams sent at the same time by another conveyance evinced that he had not the full confidence of the minister & that Mr Adams Letter did not account for his past conduct and explain his future views. He appealed to the records of Congress and to the letter just read whether these were not facts truly stated. Mr T's conduct was at least mysterious. Congress acted properly. He was against granting him a copy of the letter, but had no objection to sending it to the Executive of Massachusetts.

An adjournment was called for and no question taken.³

MS not found; reprinted from *NYHS Collections*, 11 (1879): 80–81.

¹ For the evolution and adoption of these resolves, see *JCC*, 22:425–27; and Samuel Osgood to Henry Knox, September 17, 1782.

² This John Adams letter to Congress, which was originally read November 12, 1781, is in *PCC*, item 84, 3:366–69.

³ No record of this debate is found in the journals, but for Congress' previous concern over John Temple's return to America, see John Hanson to John Hancock, March 1, 1782. For James Madison's role in this debate, see also Madison, *Papers* (Hutchinson), 5:3–5.

Charles Thomson's Notes of Debates

August 2. [1782]

A Letter from Mr Jay was read containing an account of his negotiations with the Spanish ministry from Oct. 3 1781 to April 28 1782, the date of the letter;¹ the delay, chicane & slight he met with and particularly his embarrassments on account of the bills drawn on him and the necessity he was at last under of protesting some of the bills for want of money. As soon as the letter was read—

Mr Rutledge moved that a Com^u be appointed to revise the instructions given to Mr Jay and report what alterations & additions if any should be made.

This was seconded from every quarter of the house & a Com^u of five were chosen.

Mr Lowell then moved that the Letter of Mr Jay of the 28th April and the instructions given to the ministers for negotiating a peace should be referred to the same Committee.

Mr Madison called for a division. He approved the committing the letter but objected against the other part of the motion. It was a delicate subject and ought to be handled with caution & circumspection. The introducing it at this time would give ground to suspect that there was something in the letter which gave rise to it. That the Letter

contained new proof of the friendship of France. That if at the moment we were about to revise and alter the instructions respecting Spain a step was taken which might shew our want of confidence in France and give offence to that Court it might endanger our affairs.²

Mr Lee had no objection against dividing the question but could not be easy nor think himself justified to his constituents until he brought forward the subject contained in the other part. He did not approve the present mode of bringing it on, it was too indirect. He had made a motion which was before the house on which he was determined to call the yeas & nays. He then inveighed against the instructions of the 15 June, 1781, as derogatory to the honor, dignity and independence of the United States, contrary to the treaties made with France & which must expose us to the contempt of our allies and all the nations of Europe.

Mr Lowell thought this the most delicate way of introducing the subject & which he hoped would have met the sentiments of every member as well those who were in favour of as those who were against the instructions. That the subject must be debated, that the motion for referring them to a Committee with other matters did not involve the approbation or disapprobation of them by Congress & could give no offence. The Com^{ts} might think it proper to adhere to them & make no report or if they judged it proper to make any alteration they would have time to deliberate on the mode and manner.

Several other members spoke. On a division the question for committing the letter passed in the affirmative & the other part of the motion was put off by adjournment.

MS not found; reprinted from *NYHS Collections*, 11 (1879): 81–83.

¹ For this lengthy letter and its reading in Congress this day, see PCC, item 89, fols. 379–440; Wharton, *Diplomatic Correspondence*, 4:738–65; and JCC, 22:427–28. See also Jay, *Papers* (Morris), 2:96–98.

² See also Madison, *Papers* (Hutchinson), 5:14–16.

David Howell to Welcome Arnold

Dear Sir,

Philadelphia 3 August 1782.

Your kind Letter to Mr Webster,¹ I find, has induced him to think favourably of me as your Friend; I have been sundry times at his house, occasionally have dined with him & experienced every civility from him.

I should no doubt have contracted a greater intimacy with him, entertaining a great opinion of his understanding & harmonizing with him in many points; but, Sir, he is the greatest stickler for the 5 per Cent I ever yet saw. And, no doubt, he will tell you that I am as

much against it. I have avoided entering into the argument fully even with him; and on many occasions declined it totally after simply giving my opinion, for I found it as vain for me to oppose the torrent here, as it was for General Varnum on Town-meeting day, when I saw him engaged in a circle, of which you made one, as you must remember in the Parade—And in both cases it would be as ineffectual for either of as it would be to oppose Pawtucket-falls. The public creditors, this way, rule the roost; and the common people have less & less to do in government after you pass the North-river till you get to Florida, which our wise men have given to the ungrateful Spaniard— And where Tyranny is compleat. A wealthy farmer, and a good Whig, in the Jerseys, could not tell me whether the people in the respective Counties choose their delegates in Congress as they do the members of their general Assembly & Council; or, whether they were chosen by the joint voice of both Houses:² In short, as you go Southward, Government verges towards Aristocracy. In New-England alone have we pure & unmix'd Democracy & in Rhode Island & P[rovidence] P[lantation]s is it in its Perfection. I hope it may be long preserved. Should our little State have the credit of preventing the 5 per Cent from taking effect it would be to us an additional gem.

I find a field sufficiently extensive for the exertion of every faculty I possess, nay more if I had them; Business to me entirely new daily arises, and such a variety of objects are presented that I am ready to admire what I have been doing all my days not to have turned my attention to them heretofore. But the truth is—the course of my Studies & thoughts has heretofore been confined to books, Systems & Speculations; I am now concerned with life itself. I think I shall not be of the Service I expected to be to the State soon; I have much to learn—I am about it; I loose no time.

The establishment of funds to discharge, at least the interest of the national debt; and thereby, the revival of national credit, are the great objects before us at present. Fighting has grown out of fashion—little more of that is to be expected in this Country—but when we shall have peace God only knows; although there are appearances of it, and they seem to encrease & brighten; it may however be distant. The back-lands are a subject of conversation & which has been lately before Congress. There are two different opinions respecting them in Congress: six States are for acting upon them now, &, I think three against it, & two divided, one of which is ours.³ Pray give me your opinion, or does it accord with our late instructions on that head?

We expected the States who hold up extravagant claims to the westward, might have been prevailed upon to have made liberal cessions to the Ud. Ss. after the example of New-York &, Connecticut; but after the war is at an end and those lands shall have become more valuable, will they not prosecute their claims with more vigour? Now is

the time to settle this matter, lest, after the war fresh flames should be rekindled in a dispute, which will then be considered of more consequence. I am not for selling the lands, but should the Ud. Ss. hold such a vast territory by cessions from the respective States, it would certainly give them credit to the amount of their value, and would in time contribute to the discharge of our national debt. The States are extending their Settlements & claims daily. The lands will more & more be taken up by individuals & *their* claims will increase & gather strength and eventually defeat any future advantage to the Continent at large.

Requesting you to make my best respects acceptable to Mrs Arnold, your Brother Thomas & all Friends, I am, Sir, with every Sentiment of esteem Your Friend & hble Servt,
David Howell.

RC (PHi: Gratz Collection). Addressed: "Welcome Arnold Esqr. Providence."

¹ Pelatiah Webster, a Connecticut born merchant in Philadelphia and a frequent contributor to the public prints of essays on political economy. See these *Letters*, 1:63–64, 13:386–87, 14:25, 362. He was at this time representing the "deranged" officers of the Connecticut line who were seeking congressional funding for the half-pay plan adopted October 21, 1780. Morris, *Papers* (Ferguson), 5:519–20, 522–24.

² New Jersey's delegates were chosen by vote of the state's general assembly and council "in joint meeting." *JCC*, 23:711.

³ The committee appointed to report "effectual means of supporting the credit of the United States" had recommended that Congress decide upon the land cessions from Connecticut, New York, and Virginia as a preliminary to drawing upon western lands for revenue, but a motion to assign a date for taking the report into consideration failed on July 31 by a vote of six ayes and two noes, with Rhode Island and North Carolina divided and Delaware, Maryland, and New Hampshire unrepresented. See *JCC*, 22:423–24.

David Howell to Nicholas Brown

Dear Sir,¹

Philadelphia 3 August 1782.

Had leisure permitted me to follow the dictates of inclination, and could I have been so vain as to have imagined that a line from me would have contributed either to your instruction or amusement, I should not have remained so long silent. The favours received from yourself and kind family, justly entitle you to rank, were that desirable, among the foremost of my friends & give you the most perfect claim to my best services.

Although I have written several Letters to those whom I used to esteeme my friends in Providence, I have received but few answers. I have written twice to your Brother John & three times to Governor Bowen,² but received no answer. What I have done to be thus deserted by my friends I am yet to learn; pleasanter would it be to return to my former retirement, where I was perfectly contented to

remain, than to have been brought out on the public Theatre at the expence of the loss of all my friends.

Through divine goodness & a strict regimen of diet I have enjoyed a perfect State of health, excepting a cold for a few days past, ever since I left home. Even my old complaint in my throat is so removed as to give me no inconvenience.

Mr Ustic, as you must, no doubt have heard has arrived safe with his family in this City; he was well received, & as far as I can learn, is generally approved of & esteemed. But I have little intercourse with the people in the City, finding enough to do in the line of my immediate duty—To discharge which with advantage will require no small additional knowledge.

Mr Hewes is perfectly friendly, has invited me to his Lodging. Mr James Pemberton has shewn me the same respect, but I have not yet waited on them.

Providing funds to discharge at least the intrest of our national debt, & thereby reviving public credit is now the object of pursuit, & subject of much deliberation both in Congress & among our City-politicians, to participate in whose deliberations I sometimes stop a moment at the Coffee-house.

By examining the journals of Congress, in the hands of Governor Bowen you will observe what has been done about the *back lands*; I wish for your opinion on the Subject after you shall have obtained knowledge of what has been done in regard to them.

Much is said about a peace, the papers will inform you of all public intelligence here; You know we have commissioners in Europe with full powers to negotiate. Britain wants a peace but I fear is not humbled sufficiently to accept such terms as will be offered.

Matters go as well in Holland as they do ill [in] Spain. Little is to be expected speedily from the Court of Madrid, according to the latest intelligence from our Minister there 28 April last: But a late private letter gives us hopes notwithstanding that the haughty Spaniard will open his eyes to his Intrest.

The Summer has been cool & dry. I hear not but it is as healthy here as usual. Dr Binney is very friendly—his family well. I shall soon take lodgings with other Delegates at a Boarding-house; I find an inconvenience in being so much alone.

Please to give my best regards to Mrs Brown, my old & good friend, to your mother, Mrs Van Derlight & all friends; & believe me to be your Friend,

D. Howell.

RC (RPJCB: Brown Papers). Addressed: "Nicholas Brown Esqr., Providence."

¹ Nicholas Brown, a Providence merchant, has been identified in these *Letters*, 2:434n.1.

² These letters have not been found.

David Howell to Silas Talbot

Sir,

Philadelphia 3 August 1782.

Yours of 13 Ultō. is now before me. You request me to get your accounts settled, or, at least to write you before the Assembly sits. On the receipt of your account, without Loss of time, I carried it to the Pay-master Generals; got his certificates and carried it, together with your account to the Comptroller, who sent it the same day to the Auditors. I called on him several times—he proposed his objections—I examined the resolves of Congress & consulted with General Cornet—but the result as I wrote you, last month, was unfavourable to you.¹ The resolve for depreciation, as he says, does not include your case—your pay & emoluments as a Land-officer ceasing on your naval appointment in Sept. 1779 (If I do not mistake the date). The Auditor can only allow you nominal pay, and wisheth to be informed of the beginning and duration of your actual service in the Navy.

I have written you this lest the other Letter above referred to Should not get safe to your hands. Whatever your commands may be, on this head in future I shall attend to, & execute them with pleasure.

Regretting that I am no more successful in this application in your behalf, I am, Sir, your Friend & hble Servt, David Howell

P.S. Best regards to friends.

RC (MH-H: bMS Am 1439). Addressed: "Lieut. Col. Silas Talbot, Providence."

¹ See Howell to Talbot, July 17, 1782.

Jonathan Jackson to Elbridge Gerry

Dear Sir

Phila 3d Augst 1782

I've not been unmindfull of my promise to you, to write you from this place after my Arrival—but really having had nothing worth your notice, I have considered it as no breach of Promise to omit troubling you with my impertinent Scrawls—your quondam Friends here have asked me how you do, & many have enquired if you are not coming on—how do Affairs stand with respect to you at home? has there been any further progress in taking up your Memorial or Remonstrance? I wish that it was settled & that I could see you here before I go. If you do come, let it be as early in the Fall as possible—for I think that I shall return in Novr. Is not Mr Sumner coming soon?¹ Mr. Osgood threatens leaving us before Novr and I am sure in addition to the State's being unrepresented if I am left alone, I shall be but a poor Support to its Interests, for want of a more thorough knowledge of their internal Politics, having been out of that Line these several

years, even were my Abilities otherwise equal to my Inclination to serve them. If the Representation of the States in Congress has generally been as good, as it now appears to be, I shall begin to think that it has not been for want of capable Men & in general honest ones that our public Affairs have not been better directed, but that it has been the Misfortune of our Situation & the difficulty of the Times. Still I can't give up an opinion that I once advanced to you, but which you was unwilling to allow, that very early Taxation, & that gradually increased with the smallest possible Use of Paper Credit, would not only have kept our Affairs under much more Controul, but would have been as practicable as any thing else, had our early Politicians but thought so. Certainly nine Evils in ten we now feel or have felt thro' out the War may be traced up to the corrupt Source of Paper Credit. I am not grown Politician enough yet to beleive but that the Honesty & the Economy which is best for the Individual is best also for the Body politic—and that there are very few Instances if any, where an Aberration from the Line of Rectitude, or what common Consent supposes to be so, is best for the Public—in none perhaps for the Individual—for tho' it may be difficult in all cases to draw the exact line between Right & Wrong, & as Pope says it may sometimes be as difficult to agree upon the Extreme of Vice, as to agree where the North is, whether at the Tweed—Oreads, Nova Zembla or where—yet the Individual is seldom without that inward Sense or by whatever name you will call it, that shall produce Conviction sufficient to determine his Actions to the right side, if he will be resolute enough to keep himself cool & dispassionate. Among the innumerable Evils resulting from an ill-managed paper Credit, it has not been one of the least that the bulk of the People have contracted a great disrespect for our Politics & consequently for the Managers of 'em & that has produced a Languor in all Departments, which prudent vigorous management only, & that for a length of Time, will serve to dispel. I can't but already observe in our great Assembly here, a Malady which I beleive almost every Man brings with him from the smaller Assemblies, & which I take to be the Curse of our Republican Governments thro' out the Continent—what I mean is a Willingness to spend too much time & altercation about trifling Matters, & about the trifling parts of more important ones, & too great a Readiness to admit Matters of small Moment to come before them, instead of referring them always to their proper Boards, & where none such are established, establishing others for the purpose. These small & constant Attentions are too apt to occupy the general Mind of this public Body & perhaps in some measure debilitate it for the Consideration of higher Objects which only ought to engross it. These are too apt to be crouded on & passed by, it becoming too habitual to treat them in the same manner with the smaller ones. I suspect too that there is

another Disease here in common with the lower Assemblies, & perhaps from the same Cause—that when Business crowds, matters of considerable moment, but not the most pressing, are too apt to be laid by, & afterwards forgot, perhaps by the frequent change of Faces, which I find to be common among the Gentn who live in this & the neighbouring States. Perhaps the too frequent change of Members from the more distant States, & perhaps from mere forgetfulness of the Members in general, as the habit is natural for each to think at the time, it is no more his Business than another's, & therefore they take no more than a 20th, a 50th, or 100th part of the Burden of Memory & in the same proportion the Reproach of Neglect of Duty. I am sensible it is too much my fault to refine, as well as to find fault—but I have always uniformly thought since I first sat in a popular Assembly that no one ever ought to be without a Revisor, Supervisor, or by whatever name you please to call him, whose Business it should be to keep his Eye constantly upon the Course of Business done & the Neglects of what ought to be, by being conversant with all their Papers & Transactions—& who should *recommend* at least every week in their Session the Train of Business to be taken up, as I suppose it would not do to *direct* in our popular independent Assemblies—& who should be accountable & even impeachable if any Matters of Moment were neglected in the least for want of his Attention or frequently recommending them to the Consideration of the Assembly. The Constituents of every public Assembly upon the Continent could afford to pay such an Officer the best Salary they give to any of their Servants, as he would save much time Spent by their respective Delegates on unimportant affairs, & would correct their frequent Neglect of many important ones in the proper Season of 'em—for our public Bodies are too much like a lazy Merchant who does not do his Business in the proper Season of it, but leaves his Business to do itself, by which he is constantly hurried & never has a clear view of his Affairs.

But I am taking up too much of your time as well spending too much of my own just at present having a number of other Letters to write by Mr Lowell, who goes Tomorrow & is the Bearer of this; & to whom I must refer you, for several reasons, tho' one will be sufficient, that he knows much more of them. I say to him you must apply for the internal Politics of our Cabinet—& these I believe may soon be displayed as far as they are communicable. I shall also by him send your Journals as you directed if he can give 'em room—² if not shall bring 'em myself & wish now I had taken your Advice to leave 'em for I could get no Oppy to read them on the road & very little time have I been able to, since being here.

I shall expect to hear from you soon & as Letters from distant Friends are always agreeable & in some measure in proportion to their length, I shall wish you to deal out measure for measure tho' in

that case the advantage will undoubtedly be on my side—as Things of the same length may be very different as to fineness. My Paper obliges me to be done. Please to make my Respects acceptable to all Friends who enquire—to Mrs Lee & Family & my Frd S Sewall particularly, & Believe me to be Dr sir very sincerely your obliged Friend,

J. Jackson

P.S. Do mention to Genl Warren with my respects to him that I lately recd his Inclosure for Dr Lee which I immediately delivered him.³

RC (DLC: Elbridge Gerry Papers, photostats).

¹ Increase Sumner had been elected a delegate to Congress (for one year from November 1, 1782) on June 28, in the place of Timothy Danielson (who had resigned on June 8). Journal of the Massachusetts Senate, May 29–July 6, 1782, pp. 44, 92, DLC(ESR).

² At this point Jackson keyed the following note written in the margin: "Mr. Lowell cant find Room for the Journals."

³ See Arthur Lee to James Warren, July ? 1782.

Jonathan Jackson to Oliver Wendell

Dear Sir,

Phila. 3d Augst. 1782.

I have wrote you once, & I think twice,¹ since my Departure, but have not had the *pleasure* of receiving a single Line from you. It always affords me a *good deal* to be assured that you, my dear Sister, & her young Folks are all well. Ever since I've been here I've been watching an oppy to comply with your request in imparting what was communicable, & by it to gratify you & your Friends but really nothing has turned up worth Communication. Brother Lowell is the Bearer of this & is much better informed than I shall be in a month or two more, of the State of Politics in the grand Council & what is impartable. Be assured their Secrets are few & but small. I inclose you this days paper—but I believe it has nothing new. The French Fleet arrived off Chesapeak, there are various Reports about—some, that they are bound to the Southward, some to the Northward for Repairs, Time will show. Don't Affairs look approaching towards a Peace? It appears to me they do, from the general situation of Things in Europe, as stated from thence by the last Arrivals. How does my good Boy conduct? to general acception? If I can get time I shall inclose him a short Note—but whether I do or not, please for me to observe to him that I have not received from him a single line since my departure. His Mamma as well as myself enjoy fine Health—tho' she eats no Meat and scarcely any Breakfast yet. We have not been able to get an House in the Country & the weather has been so cool we have not needed it—neither have we got one in the City yet to our mind. As Mr Lowell

is the Bearer of this, to him I refer for everything you can ask. I shall be disappointed if I do not soon hear from you. Hannah joins me in affectionate Love to you, Mrs. Wendell, your young Folks & our own little ones. Do make my Compliments to Master Hunt & his Family, for I find that I shall not have time to write to him or to Bob. Remember us to every body & write me frequently. I remain Dr Sir, your Frd & Bror

JJ

RC (DNA: Hugh Upham Clark Collection, NHPRC Microfilm).

¹ Only one letter from Jackson to Wendell—dated July 4—has been found.

North Carolina Delegates to Alexander Martin

Sir,

Philadelphia 3d August 1782.

You will observe by the public papers the mode that is adopted for holding up to public shame the states who are backward in performing their share of Public service or in contributing their share towards the necessary expences of the war. We have not to inform you that North Carolina has long been viewed in a very unfavorable point of light. It is our Resolution that if she suffers for the future in the voice of fame, it shall not be from the want of a friend to advocate her cause. As a contrast to the Monthly Publications of money received for public use from different States we drew up and caused to be published in the *Pennsylvania Journal & Packet* of this date & the first Instant, a Summery Acct. of what our State has done for the present Year,¹ in which we hope you will admit that while we strictly adhered to truth we have given no unpleasing picture of our Country, or rather of our fellow Citizens.

We have the honor to be &ca,

Hu Williamson

Wm Blount

Tr (Nc-Ar: Governors' Letterbooks).

¹ The following "Summery Acct.," which Blount and Williamson first had published in the *Pennsylvania Packet* of August 1, appeared in the *Pennsylvania Journal* of this date.

"Lest from the monthly return of taxes, collected for the use of the foederal army, it should be conjectured, that North-Carolina has been criminally deficient, we are enabled to assure the public, from good authority, that the general assembly of that state, during their meeting in May last, and they have had no other meeting for near twelve months, have given the most clear, unequivocal proofs of their resolution to comply with the requisitions of Congress in their utmost extent, as far as the present scarcity of coin in that country will permit.

"The whole militia of North-Carolina is divided into classes of twenty men, each class is to furnish a continental soldier and cloath him compleatly: a certain number of classes are indulged in furnishing waggons and teams, which are to be continental property. These regulations may produce about fifteen hundred additional soldiers and

one hundred waggons; making allowances for deficiencies that must happen, in a country which is scarified and bleeding under the wounds of an enemy who have lately passed through it in every direction. Raising the men, cloathing them and furnishing them with tents, will cost each class at least 350 dollars. Each team and waggon compleat, will cost about 500 dollars. The amount will be at least 575,000 dollars. Besides the expence of raising the troops, the assembly have ordered a specific provision tax, and a pecu[n]iary tax for the present year: all lands with their improvements are to be rated in hard money; also cattle, slaves, stock in trade and wheel carriages. On these articles the proprietors are to pay a provision tax for the immediate use of the army, viz. corn, wheat, rice, oats, rye, flour, salt and salted or fresh beef or pork. They are also to pay a pecuniary tax for the general purpose of revenue: but as it will be impossible in most parts of that republic, to collect hard money sufficient for payment of that tax, it is provided, that three fourths of the tax may be paid in tobacco at a shipping port, Indian dressed deerskins, hemp, bees wax, barrellled pork, or linen. These articles are rated about 25 per cent. below their usual market price, that it may be the interest of every inhabitant to pay in hard money, when it can be obtained. It should also be observed, that through the last winter and spring large and heavy impressments have been made, or rather large contributions have been made in most parts of the state, weekly, of hogs and black cattle, for the immediate use of the southern army."

John Taylor Gilman to Josiah Bartlett

Dear Sir,

Philada. Augst. 5th. 1782.

The Letter which you did me the favour to write on the 5th Ultimo¹ I receiv'd on the 22d. What will be done respectg. Vermont affairs I cannot Say, I Suppose under present Circumstances it would not be possible to have any thing determined in Congress respecting them. I am well informed that one reason given (in private by some Gentlemen from the Southward) why they would not make them a Seperate State is because it would be adding One more to the Votes of the Eastern States, which they Say they will not do untill they can add one to the Southern likewise. I need not Comment on this. I am Sensible while the Vermont business remains undetermined N.H. will be in an Unhappy Situation. I am Informed by the New York Delegates that their State has lately (in Consequence of repeated Applications) granted a Number of Commissions to people in the County of Cumberland which I think Joins on the River. A Member of Congress from New Engl. with whom I am Intimately acquainted,² this day Shew me Copy of a letter which he was going to Send to a Gentn. of high rank in the State to which he belonged & in answer to One he had recd. Urging that Vermont might be made a Seperate State, in which he Says, "I am fully Convinced of the Justice & policy of making them a Seperate State, but it is as likely that Great Britain will Cede Scotland to the United States as that the present Congress will make Vermont an Independant State." I wish N. H. may not be again Duped In this affair. I Enclose you a list of officers &c. by which you will See how great a Number of Officers some States have, who have but few pri-

vates—and yet in some Instances those States who have so few men have (not long Since) made a large number of Officers to fill up Vacancies.³ There is now a Resolution of Congress against Issueing new Commissions.⁴ Please to keep the Inclosed list in some measure Secret (I do not mean from the Commte.) but would not wish to have it made too public. It is Evident that our Minister at the Court of Madrid has recd. dishonourable & Fallacious Treatment, from that Court. Congress have this affair now under Consideration⁵ what will be done I cannott Say but when I consider the Conduct of that Court & the Terms heretofore assented to on our part as the Basis of Treaty I really wish a Treaty with them may not take place, but from some Information (later than Mr. Jay's tho not Official) it is probable they have altered their Conduct & perhaps have before this Concluded a Treaty. It seems to be agreed that Spain have decided Intentions of obtaining Gibraltar and that they wish the present War may Continue. The Subject of former Instructions to our Commissrs. respecting a Treaty of peace &c. will I Imagine be taken up in a few Days, It is Important but what can be done where so much has been undone I cannot Say. In my letter to you of the 9th Ultimo. I wrote something respecting Loan Office Certificates, this business is in the Same Situation it was when I then wrote you. I will Venture to Say to you one thing, which is if N.H. does not adopt a System of Policy for her Self she will probably be left in the Rear. I am Sorry to Say that it is my Opinion their is not a probability of the accounts between the Several States being adjusted for a long time. I find it is very Expensive living here, beef has been frequently sold for 16d per pound, butter at 3/. Though these articles are much higher than things in general yet almost Every article is Dear. I Shall want some money by the first of September but know not how I am to be furnished, if you will Inform me I Shall be thereby obliged. Their is Eleven States now represented in Congress & would be 12 but one of the Delegates of Maryland went home a few Days ago, it is Expected he will return Immediately.⁶ Thus have I almost filled up my paper & I am afraid you will think unprofitably, I should be glad to give you more of facts & less of Opinions, but for want of the one I adopt the Other. I Shall be glad to hear from you frequently

I am with much Esteem your Hum Servt, J T. Gilman

P.S. As I write you freely, if you find any part of this or any other of my Letters which ought to be kept Secret you will undoubtedly keep it as Such.

RC (NhD: Bartlett Papers).

¹ Not found.

² Not identified.

³ The enclosed detailed list of Continental officers, noncommissioned officers, and privates, with the annual cost of their "Pay & Emoluments" (see illustration), is in the Bartlett Papers, NhD.

States &c	Number of Officers	Pay & Emoluments of 4 years of the Continent	Pay & Emoluments of 4 years of the Continent	Pay & Emoluments of 4 years of the Continent	Pay & Emoluments of 4 years of the Continent	Pay & Emoluments of 4 years of the Continent	Pay & Emoluments of 4 years of the Continent	Pay & Emoluments of 4 years of the Continent
New Hampshire	67	27,100	37,702	697	57,716	104,283	84,816	141,985
Massachusetts	333	134,540	187,198	3,867	326,142	577,558	460,732	767,156
do. Artillery	45	22,290	29,133	489	18,848	68,836	71,138	97,970
Rhode Island	33	13,100	18,270	467	39,112	69,781	52,212	88,051
Connecticut	167	68,780	94,815	1,955	166,310	293,016	235,090	387,861
do. Cavalry	27	13,585	25,036	296	32,612	64,421	46,197	84,457
New York	66	26,440	36,805	1037	87,232	155,982	113,672	191,787
do. Artillery	55	26,330	34,028	300	31,964	51,535	58,294	85,564
New Jersey	67	27,340	38,010	858	72,344	128,400	99,684	166,418
Pennsylvania	200	80,880	111,918	1452	122,368	227,772	203,248	339,690
do. Artillery	34	16,800	22,993	140	14,560	23,706	40,506	46,700
do. Cavalry	21	11,665	22,051					
Delaware	33	13,220	18,431	307	25,089	45,938	38,309	64,369
Maryland	166	66,340	93,341	1604	136,240	241,031	202,580	334,372
Virginia	266	107,560	148,842	681	56,240	101,733	163,800	250,575
do. Artillery	55	26,330	34,028	69	7,176	11,684	32,506	45,712
do. Cavalry	54	27,170	39,463	199	24,712	43,008	48,882	92,471
North Carolina	132	52,640	73,292	1005	86,192	151,852	138,832	212,124
South Carolina	66	26,320	36,645					
Georgia	33	13,100	18,470					
Flazens	33	13,100	18,274	596	49,793	88,365	62,893	106,664
Armed & Seafaring	55	27,070	49,837	520	57,368	113,139	84,438	162,976
Van Heers	5	2120	3940	68	6,672	14,295	8,792	18,235
Invalids	14	6320	7637	267	22,440	39,884	28,760	47,521
Sappers & Miners	5	2608	3324	81	8,804	14,105	11,412	17,434
(Comm'd) in Chief Guards	2	960	1203	65	5,468	9,714	6,428	10,917
	2034			16,990				

Continental officers, noncommissioned officers, and privates
 "Pay & Emoluments Per Year," August 1782

⁴ Adopted July 11, 1782. *JCC*, 22:382.

⁵ See Charles Thomson's Notes of Debate, August 2, 1782.

⁶ Turbutt Wright had returned home about July 12. He resumed his seat in Congress August 19. *JCC*, 23:470.

John Taylor Gilman to Meshech Weare

Sir,

Philada. Augst. 5th. 1782

By Mr. Lowell who sets out for Boston this day I am favoured with an Oppty of writeing you. A few days Since a large Packett was receiv'd from Mr. Jay, our Minister at the Court of Madrid Dated April 28th. It Contained Copies of Sundry Letters, Memorials &c. to the Minister of that Court &c., Detailed his Applications & Transactions there, & informed that no material advances had been lately made towards a Treaty. Later Accounts from Europe seem in General to be very favourable to our Cause, though we have none Officially of later date than the above. It is generally believed that our Enemy are in Earnest for a General Peace, and it is said have Commissrs. now in France for this purpose, some Gentlemen here are so Sanguine as to Say we Shall have peace within a few Months, but I am not of this number—are in Daily Expectation of having some important accounts from Europe. Our affairs in the United Provinces are undoubtedly in a good Situation. A French Fleet Consisting of Thirteen sail of the Line & Some Frigates arrived on this Coast a few days past, I cannot Say any thing Respecting their destination. Have not any late Official accounts from the Southern Army, but believe their is no doubt but that the Enemy have Evacuated Savannah, and their is great probability that they will soon leave Charlestown. Congress have now under Consideration sundry Reports for Lessening the Expences of our Army by reduceing the number of Officers &c., we have now in full pay more than double the number which is necessary, but, (from a Variety of Causes) it is hard work to make those deductions. I Inclose you a Copy of Resolution of the Legislature of Virginia, passed in Consequence of the Recommendation of Congress of the 20th Feby. last, it needs no Comment.¹

In my Letter of the 17th Ultimo I wrote you respecting the States making a Settlement with the Contl. Troops of their Line for the years 1780 & 1781. In addition to what I then wrote I would Just Say that I cannott find any Resolutions of Congress requiring it—that if New Hampshire gives Notes for the Sums due, & the Lines of other States should have their settlement made here the Consequence will probably be that N.H. must Redeem her own obligations given for this purpose, & that those which are Settled here will be paid out of Some public Funds of which N.H. must Contribute her part, I cannott Say

this will be the Case but to me it appears probable. I am Sensible that New Hamp. can bring this into the account against the United States, but from present appearances I am Inclined to think a very Considerable Period of time will Elapse before those Settlements are made. I am aware that some settlements have been already made in the State with officers &c. but perhaps the proportion when Compared with those which are Unsettled, is small. I would not wish this to the Injury of the N.H. Line, but it appears by Lt. Blanchard's representation, that it would be much more agreeable to them, to have the settlement made here as they could then have their Subsistence Money Settled at the Same time.

I have the Honour to be, Your most Obedt Servt.

John Taylor Gilman

RC (MHi: Weare Papers).

¹ Undoubtedly the May 28 resolution of the Virginia General Assembly refusing "to authorize Congress to alter the mode appointed by the Confederation, for apportioning the quotas of the respective states." See *JCC*, 22:413; *PCC*, item 75, fols. 363-65; and Madison, *Papers* (Hutchinson), 4:56n.6.

Benjamin Huntington to Anne Huntington

Dear Mrs. Huntington¹

Philadelphia August 5th 1782

The Pleasure of Writing to my faithful Partner is great but that of Receiving a Line from you is greater. It brings Tidings from my best Friend on Earth. By it I learn the State of the Dear Family for whose Happiness, Honor & Interest my deepest Concerns are employed. If a Temporary Absence from such a Friend is Painful, how unsupportable must a finale Separation be? But not to Anticipate Sorrows we ought to Reflect that our Present Enjoyments are the Gifts of Heaven to Promote our Happiness in this Imperfect State and that without them our Lives would be insipid. But the Hopes of a Blessed Immortality Resting on a firm Foundation of Purchase laid in Matchless Wisdom & Benevolence and Confirmed by the omnipotence of him whose Designs Cannot be Defeated, afford solid Consolation to the Mind even whilst we are driven in the Midst of Boisterous Events down the Troubled Torrent of Time. When we Consider that all our Infirmities, Sufferings, Pains, Bereavements & Mournings are designed by Heaven to bring us to that Pure Meekness of Spirit in which alone we Can Partake of Immortal Joy, the most Ponderous Distresses in this World become Welcome Corrections from the Hand of our almighty Parent. This Rapsody of thought's Occured on Sitting Down to Write & upon Turning my Thoughts towards home. I am in Good Health and as happy as I Can be at so Great a Distance from my most Agreeable

Connections. The Inclosed Paper Contains the News of the Day. Mr Chapman brings this and Can Informe you whither I appear to be as Fat as Ever. I Confess I Pitty the Horse that Brings home the heavy Load!

The Speculators Exhibit Long Faces on the Arrival of two or three Ships from Europe Laden with Dry Goods which has put at least a Temporary Stop to their Sale of Goods at Extortionnous Prices. The Man who Deals Justly, Loves Mercy & Walks Humbly is of all Flesh the Most unsuitable Person to Manage a Trade in the Present Times. I am told a Law has Passed in Connecticut Exempting Such Persons as Refuse to Purchase British Goods for a Certain Time, from Part of their Taxes. I wish you to Look at that Law & take the Benefit of it if possible, but Dont Subject yourself to any Inconveniences for a Trifle or if a Compliance with that Law should Involve you in any Thing low or out of Character, I wish you to have no Concern with it.

My Duty to my Mother and Love to the Children Each one in Particular. I wish Gurdon would Write Line or two as well as he Can and send by Mr Brown. The Boys here Dont write like him.

My Regards to Capt Abel, Mr Witmore &c.

This From your

Benj Huntington

RC (CtHi: Benjamin Huntington Papers).

¹ Huntington had been married to Anne Huntington (1740–90), a second cousin, since 1765. See *The Huntington Letters*, ed. William D. McCracken (New York: Appleton Press, 1897), pp. 6, 13, 105.

James Madison to Edmund Randolph

Dear Sir

Phla. Aug. 5th. 1782

{Frank¹ has arrived}² with {a long letter from Jay}³ being a {sequel of}, the {insulting} de{lays} d{isappointments} and {tergi}ver{sations which form} the {history of} his {mission}. To make our {mortificati}on {complete he} was {finally suffered} to {protest t}he {bills} of Congress, {tho t}he {amount did} not {exceed twenty} five thousand {ster—g}. The {blame of this seemed} justly to {fall} in {part on France} who probably meant to make that {display of her importance} to the {U. S}. This circumstance with some other {passages} in {Jays letter} which cannot be here recited, were {fresh leaven to} the an{tigallic ferment} and {revived the motion} lately mentioned to you.⁴ It {was again susp}end{ed by} an {adjournment} but will be {renewed and pressed} to a {decision}. From the {present temper} of {Congress} I infer that the {decision} if not {reversive} of the {power given to France} in the {negotiation of peace} will {denote such} a degree of {discontent and distrust as} will greatly {impair the confidence} on the {side of our ally} and

may {if discovered inspire} the {enemy with new hopes} from a {protraction of the war}. It is very probable that this {affair will} eventually be {adjusted on} some {middle ground}. The {venom against France} will not be {assuaged} with{out some} such {expedient}.

We are still without official information both from Mr. Adams, relative to the negotiations with the States General, & from Doctr. Franklin relative to advances made by the British Ct. at Versailles towards a general negotiation. That such advances have been made may be inferred not only from private reports, but from repeated paragraphs in European papers. Whether they be sincere or insidious may be another question.

Augst. 6th. A letter of the 14th of May has come to hand from Mr. {Jay} in which he says that he is {called to Paris by doctor Franklin}.⁵ This {call can only be in his} capacity of {minister for peace} and in consequence of a {prospect if not commencement of negotiations}. He says nothing on the subject himself, but refers to {intelligence} which he takes for granted would previously {arrive} from {Paris}. He congratulates Mr. Liv{ingston on the acknowledgement} of our {independence} by the {United Provinces}. This is the first official evidence of that event.

The Committee as a member of which you prepared a certain report was yesterday {augmented to five and filled up}. The present composition {of it promises a speedy and favorable report}.⁶ The {middle states are} rendered apparently very {ductile} by {their fears} of a {coalition between the eastern and southern in a change} of {the instructions for peace}.

Mr. {Montgomery} has given {notice to Congress} of his {intention to call for the report} on the {case of Vermont and to} lay before them such {information as he has acquired}.⁷

The French squadron which lately appeared off the Capes of Chesapeake are now off those of Delaware. The Ultimate destination of it is only a subject of conjecture. There is I believe {no reason to expect more than en passant advantages from it}.

In several of my late letters both to you & Mr. Ambler I have, intimated the necessity of some {pecuniary remittances} and asked your friendly attention to that subject. Will you give me leave to repeat this request?

Mr. Jones's letter by yesterday's post⁸ informs me of his purpose of visiting Philada. forthwith. Besides the pleasure I take in gratifying you with every interesting communication I must own that some of the particulars mentioned above are meant to hasten if possible a like purpose in yourself.

You will be able to distinguish the paragraphs in which each cypher is used without my specification of them.

RC (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:20–21. In Madison's hand, though not signed. Endorsed: "Js. Madison Aug 5–6. 1782 contains Lovell's cypher."

¹ That is, Maj. David Salisbury Franks, who had agreed the previous year to carry secret dispatches from Robert Morris and from Congress to John Jay in Madrid, for which see Morris, *Papers* (Ferguson), 1:255n.9, 6:119n.6.

² Words printed in braces in this paragraph were written by Madison in a James Lovell cipher, while those in the August 6 continuation were written in the official cipher of Virginia. For these codes, see Madison to Randolph, July 16, 1782.

³ See Charles Thomson's Notes of Debates, August 2, 1782, note 1.

⁴ See Madison to Randolph, July 23, 1782.

⁵ Jay had informed Robert R. Livingston that he would leave Madrid "in about five Days," although he did not reach Paris until June 23. See PCC, item 110, 2:133; and Wharton, *Diplomatic Correspondence*, 5:417, 516.

⁶ Randolph had been appointed to a committee of three the preceding January to consider a Madison committee report on making fishing rights and navigation of the Mississippi part of the peace ultimata. With Randolph and another member of the committee no longer in Philadelphia, Madison and three other delegates were added on August 5, eleven days before they submitted their final report. See Madison, *Papers* (Hutchinson), 4:17n.30; and Charles Thomson's Notes of Debate, August 16, 1782, note 2.

⁷ No written "notice" by Pennsylvania delegate Joseph Montgomery has been found, but the "information" that he intended to present had probably been gathered during his June-July mission to the eastern states, for which see John Dickinson's Conference Notes, May 31, 1782, note 1.

⁸ See Madison, *Papers* (Hutchinson), 4:428–29.

Charles Thomson's Notes of Debate

Monday, August 5th. [1782]

The superintendant of finances sent in a long letter which was read,¹ stating the necessity and advantage of borrowing money towards the current expences of the war; the impossibility of doing this or establishing public credit without solid funds for the payment of the interest of the money already borrowed as well as of what may be wanted in future, pointing out three funds in addition to the 5 per cent on imports & prizes, 1 a tax of a dollar per 100 acres on all land; 2 a poll tax of a dollar per head on all males, paupers & soldiers excepted, above & under;² 3 an excise on spirituous liquors, which with the impost duty he estimates may amount to 2 millions of Dollars. He then obviates the objection that may be raised against granting these funds, warns Congress against placing any immediate dependence on back lands, & concludes with an estimate of the debt already contracted & an earnest exhortation to come to some speedy decision.

Another letter from the superintendant was read enclosing estimates of the supplies wanted for the year 1783, amounting to eleven millions of Dollars, viz—³

For the War Department	8,106,648.10
For the Marine Department	2,500,000.00
Civil List	181,214.38
Contingencies	212,137.42
	11,000,000.00

Out of these estimates by proper arrangements which he hopes will take place he apprehends there may be a saving to the amount of two millions: and therefore he proposes only to call for 9 millions, and if the funds pointed out in the foregoing Letter be granted or others equally productive he proposes that of this 9 millions four should be borrowed and five raised by taxes within the year. He states the necessity of attending to the navy & presses an early decision on these matters.

These two letters with the papers enclosed were referred to a grand Comtt appointed on the 22 July.⁴ Some private business was then dispatched after which

Mr Bland moved—"That the instructions given on the 15 June 1781 to the Comtt [*i.e.*, Commissioners] for negotiating a treaty of peace be reconsidered & committed.⁵ This was seconded by Mr Jackson, but as the day was too far spent it was agreed that the discussion of the subject should be deferred till next day & an adjournment was called for and agreed to.

MS not found; reprinted from *NYHS Collections*, 11 (1879): 83–84.

¹ For Robert Morris' July 29 letter to Congress, which is described by the editors of the superintendent's papers as "the chief exposition of Robert Morris's plan to erect a funding system," and "the keynote document" of his public career, see Morris, *Papers* (Ferguson), 6:36–84; and *JCC*, 22:429–47.

² That is, "sixteen" and "sixty." Morris, *Papers* (Ferguson), 6:65.

³ For this July 30 letter, and a detailed analysis of Morris' "General Estimates for 1783," see *ibid.*, pp. 91–103.

⁴ *JCC*, 22:407–8.

⁵ For Theodorick Bland's motion, see *JCC*, 22:429; and *PCC*, item 36, 1:361.

John Hanson to Thomas Sim Lee

My dear sir

Philadelphia August 6h 1782¹

The french fleet are now off the Capes of Delaware, of which they have given the merchants here notice. On the 14h May Mr. Jay was on his way from Madrid to Paris. He Confirms the Account of the British haveing Acknowledged our Independence. This with the Spirited proceedings of the Irish parliament must add greatly to the embarrassments of our Enemy, and dispose them to think [Sensibly?] of peace. Mr Foxs Speech in the House of Commons Seems Calculated to pre-

pare the nation for it, the picture he has drawn of their public affairs must be Alarming and will probably incline them either to a general peace, or a more vigorous prosecution of the war by Sea, but I hope for the former, god grant it may soon take place. Their late Success in the Action with Count de Grasse, may raise their Spirits and afford them Some Consolation, but it Can be but momentary, when they reflect on the additional Strength the Dutch Alliance must give to the navy of France and Spain. The June packet is arrived at New York. Nothing transpired. We hear no more of Sir Guy, than if he was placed in the most remote regions. Savanna I believe is evacuated And some late movements indicate the same takeing place at Charles Town.

With esteem & regard I have the honor to be Dr Sir, your Excellencys most hble Servt.

J.H.

RC (MdHi: Lee, Horsey, and Carroll Papers deposit, 1988).

¹ This day Hanson also wrote an almost identical letter to his son-in-law, Dr. Philip Thomas of Frederick, Md. Hanson Collection, MdHi. In addition, he wrote a brief note of the same date to "Colo. Henry Hollingsworth, Head of Elk," thanking him for "an order on your brother for 57.5.0," and requesting another for £100. Lloyd W. Smith Collection, NjMoHP.

David Howell to Moses Brown

Sir,

Philada. 6 Augt. 1782.¹

It is but natural to suppose it will be agreeable to you to hear from an acquaintance & friend tho' engaged in a matter abhorrent from your principles of faith² as a Christian, I mean in prosecuting the affairs of war; The end you know, Sir, that all reasonable men profess to aim at by war is peace; I have your concurrence therefore in the *end* tho we may differ about the *means*.

Although I believe it is beyond a doubt that Britain has made some advances towards a negotiation yet it is to be feared that the pride & lust of domination which on her part first originated the present war is not yet so debased & eradicated as to permit her to accept of such terms as will be offered her. By the latest accounts from our Minister at Madrid he was going to Paris³ and I should not be surprized to hear that all our Plenipotentiaries had a meeting there or elsewhere. The new Ministry of the British Court have laid aside all Ideas of a separate peace with any of the powers combined against them. A general pacification, or a continuation of the war is to be expected.

I have reason to acknowledge with gratitude to the being in whom *we live*, the continuation of his goodness in preserving me, so contrary to my fears, in a perfect State of health ever since I left home, except-

ing a cold for a few days. To this no doubt the strict regimen of diet, which I have prescribed to myself, has not a little contributed. I have lost flesh—but have not even been troubled with my old complaint in my throat.

Such a rapid succession of new business of various kinds has continually passed through my mind that hitherto I have had little time for amusement or visiting my friends. When the business of my place shall be familiarised I promise myself more leisure.

My mind is at times deeply oppressed with the weight of public affairs. You know I always was subject to be low Spirited. I feel so much of it at times now as utterly disqualifies me for all business.

The vanity to which I am subject when in full spirits, adds poignancy to my reflections at such times, and having no particular friend here to whom my difficulties are known to converse freely with, I am the more overcome. Never did tears flow more freely from my eyes than since I have been in this City.

I write to you thus freely not to give you trouble but to ease my own mind, which even now feels relief. So much does our make delight in Society.

I undertook my present business, I can say with the greatest truth & sincerity to serve *the people* & the cause of *real Liberty*, and as disinterestedly as I ever did, or expect to undertake any thing in life: But I fear it will not be in my power to do much; no exertions I can make shall be wanting, however little their success may be.

For your kind attention to my concerns at [. . .]⁴ you will be pleased to accept my warmest ackn[owledgment].

Sometime last fall I spoke to Mr Borden [about] the price of the old house which belonged to my [. . .] Father. Should you see him, as it will soon [fall] into his hands, & he said he intended to sell [it] as soon as he could, I wish you would let him [know] that I have still a mind to buy it should the [price] & terms of payment suit, & wish you to write [them] to me. You will not speak of it 'till he shall be in possession, & then *only* to him.

Believe me to be, as in gratitude bound, your sincere friend & humble Servant,

David Howell

P.S. Please to remember me to all friends.

RC (RHi: Moses Brown Papers).

¹ Edmund C. Burnett's entry for this date actually consists of an extract from the third page of a letter from Howell to Brown of August 24, 1783, which resulted from the unfortunate misfiling of his photostats of the third pages of the two Howell letters. Burnett's "6 Aug. 1782" extract will be found under its proper date in volume 20 of these *Letters*. Cf. Burnett, *Letters*, 6:427 and 7:280, where the last seven lines of his August 24, 1783, entry ["I write to you thus freely. . ."] is taken from the last page of Howell's August 6 letter printed here.

² That is, Quakerism.

³ See James Madison to Edmund Randolph, August 5, 1782, note 5.

⁴ MS torn; final word missing from nine lines.

Arthur Lee to Samuel Adams

Dear friend,

Philadelphia Augt. 6th. 1782

As I was in Virginia when Mr. Lowell arrivd here, it was some time before I receivd your favor by him. It gives me a good deal of concern that we are so soon to lose that Gentleman, his integrity & abilities rendering him an ornament to Congress.

Every thing from England seems to announce a real disposition to peace. But it is very surprising that by six or seven opportunities from France, we have not receivd a line from our Minister. Not even by Major Franks, who came as a special Messenger. And what is yet more astonishing, we have not a word from Mr. Adams relative to the late important proceedings in Holland. I am apprehensive, his Dispatches were sent, thro France; & were stopt there. This profound silence on subjects so very interesting together with the perilous & humiliating situation we are in touching the negociation for Peace, I own alarm me. I am very much inclin'd to think that France will be for protracting the war, or for turning the cheif advantages of it to herself & to Spain. Mr. Jay's last Letter suggest strong suspicions of that Court, & we have put ourselves shamefully & entirely in her power as to the conditions of Peace.

Spain appears to have been acting a part as silly as it is selfish; & to be covering the weakness of her Councils, by the insincerity of her conduct. Some spirited measures will be taken respecting that Court; merely because bravado in one instance, is some consolation for servility in another. For our interests seem out of the question in that quarter, She being no ways desirous of treating with us.

I am of a Committee appointed to inspect the department of Mr. Morris.¹ Mr. Duane is the Chairman. Such a choice seemd to point out that Congress did not mean the inspection should be productive of public good. Nor have I any reason to think it will. All the Monies of the U. S. ought to go into the Treasury, & be issued from thence, the Treasurer being a chosen & sworn Officer & giving security for his fidelity. Mr. Morris has began to deviate from this line by putting half the monies of the Public into the hands of his quoundam Clerk,² where he may not only have a more certain use of them for his private purposes, but be coverd in every thing he does. Shoud this manœuvre pass muster, the whole will soon go into the same channel, & the Institution & checks of a Treasury be rendered entirely useless. I am apprehensive that it will not only pass uncorrected, but receive the collateral approbation of an allowance to this Swanwick for his services. The accumulation of Offices in this man, the number of valuable appointments in his gift, the absolute controul given him over all the Revenue officers, his money, & his art; render him a most dangerous man to the Liberty of this Country, as his excessive avarice does to the trea-

sure of the public so much in his power. Our funds in France are in hands equally rapacious & less responsible. This ravenous spirit prompted Dr. F. to do what amounts to an absolute robbery. It is this. Col. Laurens had obtained a million & a half of Livres from the french Court, to bring over hither for the support of our credit. It was deposited in Specie at Amsterdam & by the order of Col. Laurens to be brought by Major Jackson in the S. Carolina. When Col. L. had said, Dr. F. by threats & orders prevails on Major Jackson to give up the money, & has it remitted to him at a loss to the U.S. of 19500 livres, besides the disappointment & embarrassment of our Finances here. This transaction will I have no doubt pass also unpunishd & uncensurd.

Your friends in Virginia were well when I left them, & remember you with affection. My respects to Mrs. Adams & remembrances to Genl. Ward & all our friends,

Farewell.

RC (NN: Adams Papers). In the hand of Arthur Lee, though not signed.

¹ See Committee on the Department of Finance to Robert Morris, July 19, 1782, note 1.

² That is, John Swanwick, cashier of the department of finance.

Thomas McKean to Samuel Adams

Dear Sir,

Philadelphia. August 6th. 1782.

Perpetual employment in public business, some attention to my private concerns, sickness & death in my family (for I have lost a promising daughter of ten years old)¹ have prevented my answering my friends letters for some time past. My neglect of you, I confess, is almost unpardonable, and I must rely on your goodness more than any thing I can urge for forgiveness; but why need I appologize to a friend, who, I know, has already excused me.

Major Brown is well settled in Lancaster; my brother Judges & myself were present at the opening his Academy, for so it is stiled: he owes much to your recommendation, and gives general satisfaction.

Your introduction of Mr. Jackson to me lays me under a particular obligation; I respect his character, and am much pleased with him as a member of Congress.

The subject you mention in your favor of the 19th September last² is now likely to be taken into full consideration, I mean an American Navy: It is very much the conversation out of doors, and appears to be popular. The great losses lately sustained by the merchants from the too numerous captures by the enemy, engages the whole mercantile interest in the measure; in short, every thing seems not only to invite

but to demand an immediate attempt to establish one. Money alone appears to be wanting to make a beginning. The acknowledgement of our Independence by the Dutch affords a dawn of hope respecting that matter. There is a large Committee appointed to devise ways for the re-establishment of national credit, and for the procuring money on Loan, of which I am a member.³ If we can obtain an undisputed title to the Western lands, that belonged to the Crown of Great Britain, and have been conquered by the blood & treasure of the United States, as a fund to borrow upon; and can by a land and poll tax, or otherwise, obtain sufficient sums for the payment of the interest until one year after a peace, or until these lands can be sold for the purpose of discharging the principal, I am not without hopes of getting as much money in the United Provinces of the Netherlands and amongst ourselves, as would answer our present purposes and build a dozen ships of war such as the Carolina; which construction would render the British frigates in a great degree useless in this country from the inferiority in strength, and be the cheapest with respect to both men and money. The Superintendant of Finance is very well inclined to these proceedings and will contribute all in his power to their furtherance.

The arrival of the French Fleet, of thirteen ships of the line and three frigates, in the Cheseapeake, where they staid a few days, and now at the capes of Delaware, where they purpose to continue five or six days, has afforded an opportunity to our merchants of getting out their vessels with safety, and fully proves the utility and necessity of a Navy; for the Enemy have all fled to New York and elsewhere, so that a cruiser is not to be seen.

The indifference of the Spanish court to our credit & interest has been fully manifested to Mr. Jay in March last, by suffering a protest of several Bills drawn on him, tho' the whole did not exceed £20,000 sterling. Our good Allies immediately furnished Doctor Franklin with six million of livres for this, or any other purpose we might apply them to. The capitulations of West Florida, Providence⁴ &c., their late treatment of American vessels at the Havannah, their haughtiness and some lesser circumstances induced me heretofore to doubt of the policy of the Spaniards, but this last affair settles my opinion: I am apt to think, even their present Ministers may live to repent of their behavior towards us.

The British nation appear to be prepared for a peace, and their new Ministry seem wisely to lay hold of the opportunity, afforded them by the success of Rodney in the West-Indies, to accelerate it: It is more than probable that Commissioners are now met on this great business. If preliminaries are not soon adjusted, Gibraltar and the late conquests in the East-Indies may change Masters.

Congress is at present composed of virtuous men, and were it not

for some diversity of opinions respecting the Fisheries and Western Lands there would be more harmony in that Body then I have heretofore observed. This will be an important year. May God direct and overrule all our counsels to the establishing an honorable and lasting peace, and to the happiness of the United States in particular and Mankind in general.

My expressions respecting the Spaniards would have been more guarded, but that this goes by Mr. Lowell, and [will] therefore get safe to hand.

I am afraid I shall tire you in telling you what you know as well as I do, and shall therefore subscribe myself what, with great truth and sincerity, I am, Dear Sir, Your affectionate friend & most obedient servant,

Tho M:Kean

RC (NN: Adams Papers).

¹ That is, Mary McKean.

² Adams' September 19, 1781, letter to McKean is in Adams, *Writings* (Cushing), 4:262–63.

³ This committee, to which McKean had been appointed on July 22, had submitted a report on July 31. See *JCC*, 22:407–8, 423.

⁴ That is, New Providence—a reference to the capitulation of the Bahamas to the Spanish May 8, 1782. Jonathan R. Dull, *The French Navy and American Independence* (Princeton: Princeton University Press, 1975), p. 299.

James Madison to Edmund Pendleton

Dear Sir

Philada. 6th Aug. 1782.

I shall pay due attention to the request contained in your favor of the 29th¹ relative to the slave of your nephew. Should I however be so fortunate as to recover him, the price of slaves here leaves no hope that a purchaser will be found on the terms demanded.

We have had several arrivals since my last but are still without official letters. The European papers, as you will see by the transcripts in the inclosed, teem with paragraphs relative to pacific negociations. The language & conduct of the New Administration of G. B. do by no means discountenance the supposition that they are more solicitous for peace than their predecessors, and less scrupulous as to the punctilio of national honor. But the insidious policy which has so long directed the British Councils, should always restrain our hopes of peace from circumscribing our preparations for War. We expect every moment dispatches from our foreign Ministers which will elucidate the publications of the Gazettes.

The French Squadron which lately appeared off the capes of Chesapeake are now off the Capes of Delaware. I can say nothing as to its ultimate destination. Our trade I hope will at least receive some transient advantages from its visit to the American Coast.

I am Dr Sir with much regard Yr. frd & Sev't.

J. Madison Jr.

PS. Upon recollection, it will be impossible to dispose of the Slave in this State, there being a legal prohibition agst. it. Even his coming into will operate as a manumission, unless the case of runaways be provided for which I believe is the fact. I will enquire more accurately into [the] matter.

RC (Margaret T. Pendleton, Wytheville, Va., 1974). Madison, *Papers* (Hutchinson), 5:27.

¹ *Ibid.*, 4:442–43.

Charles Thomson's Notes of Debates

August 6. [1782]

The delegates for Pennsylvania yesterday informed Congress that the commander of the French fleet, which was now off the Capes of Delaware, had sent up a message that if the ships in the harbor were ready to put to sea he would afford them a convoy from the Coast; that the merchants & the State desirous of improving this opportunity were willing to make an attempt on Bermuda if the French admiral could send with them some frigates, and therefore they moved that a Com^{te} might be appointed to confer with the minister of France on the subject.¹ This was refused but it was intimated to the Secretary for Foreign Affairs that he should confer with the minister & report. In consequence of this the Secretary for Foreign Affairs this morning reported "that he had conferred with the minister of France on the expediency & practicability of making an attempt on the island of Bermuda—that he had related to him what he had learned with respect to the present strength of the island & the security the possession of it would give to our commerce and that of France, & desired to know whether the Marquis De Vaudreuil had any orders that would prevent his undertaking this expedition or any object with which it would interfere.

"That the minister replied that the operations of the fleet or the propriety of detaching any part of it must in some measure depend on the motions of the enemy—that he did not know that the marquis had any orders that would interfere with the plan mentioned—that he knew he had several objects advantageous to the United States, the execution of which he would concert with General Washington. The minister wished that this plan might be concerted with him, that if it should appear more advantageous than others which the Marquis had in contemplation he might take measures to carry it into effect. He observed farther that as this conquest would be on account of the U. S. it would be necessary to furnish it with an American garrison.

"That he (the Sec^y for Foreign Affairs) desired to know whether troops might not be spared from those on board the fleet to perform this service for the U. S. in case they should find it inconvenient to send a part of their own army.

"That the minister replied that the whole land force in the fleet was too Inconsiderable to admit of a reduction, that they were designated to act as marines & for the security of the fleet in case they took a post to refit, that he concluded with wishing that the desire of Congress on this subject should be referred to the general, who upon conferring with the Marquis de Vaudreuil would be best able to judge of the expediency."²

This report being read, Mr Bland moved that the conference with the minister of France reported by the Secretary for Foreign Affairs be referred to the Commander in chief to take order if he thinks the measure alluded to expedient & not interfering with other operations of greater importance that have been concerted or may be effected.

This brought on a debate.

Mr Lee was against referring it in the first instance to the Gen^l; it was one of those cases mentioned in the treaty which required a previous Convention to settle the compensation. If it was undertaken without such a convention the French might conquer it for themselves or demand such a compensation that could not be granted. That the General could not settle the compensation, because it must be in money and the General had no right to appropriate money.

Mr Duane was against referring the report to the General because it would hold up the object in too strong a point of view. When the matter was first introduced it was only mentioned as an object that might be adopted in case the fleet was going off the coast, either on their return to Europe or the West Indies. In this light he would have no objection against referring it to the General. That if the fleets staid any time on the coast there were other objects of far greater importance, such as the attack of N. York. He was therefore for committing it that it might be represented in the light in which it was first introduced. Mr Jackson was of the same opinion, thought there were several other objects which required greater attention mentioned—an attempt on Halifax or the reduction of Penobscot. He was for committing.

Mr Rutledge thought that the motion was well guarded. He had no objection against accompanying the reference with a letter to explain the views of Congress, but was against committing.

Mr Clark was against committing and against referring unless the words "to take order" were expunged and the words "to report" were inserted.

Several others spoke on the occasion. At length the question for commitment was put and passed in the negative.

On the question for referring it to the Com^r in chief, the yeas & nays being required by Mr Clark—

New Hampshire,	Mr. Gilman,	No. }	×
Massachusetts,	Mr. Osgood, Mr. Jackson,	No. } No. }	No.
Rhode Island,	Mr. Cornell, Mr. Howell,	No. } No. }	No.
Connecticut,	Mr. Root, Mr. Huntington, Mr. Dyer,	No. } No. } No. }	No.
New York,	Mr. Duane, Mr. Scott,	No. } Ay. }	Divided.
New Jersey,	Mr. Clark, Mr. Condict, Mr. Witherspoon,	No. } No. } No. }	No.
Pennsylvania,	Mr. Montgomery, Mr. Smith, Mr. Clymer, Mr. Wynkoop,	Ay. } Ay. } Ay. } Ay. }	Ay.
Delaware,	Mr. McKean, Mr. Wharton,	Ay. } Ay. }	Ay.
Maryland,	Mr. Hanson,	Ay. }	×
Virginia,	Mr. Madison, Mr. Bland, Mr. Lee,	Ay. } Ay. } No. }	Ay.
N. Carolina,	Mr. Williamson, Mr. Blount,	No. } No. }	No.
S. Carolina,	Mr. Rutledge, Mr. Ramsay, Mr. Izard, Mr. Middleton,	Ay. } Ay. } No. } No. }	Divided.
Georgia,	Mr. Telfair, Mr. Jones, Mr. Few,	No. } No. } No. }	No.

So it passed in the negative.³

The Committee consisting of Mr Rutledge, Mr Duane, Mr Madison, Mr Osgood & Mr Montgomery appointed "to revise and consider the instructions from Congress to Mr Jay and to report if any and what alterations or additions should be made therein" reported the following resolution:

"That the minister plenipotentiary at the court of Spain be instructed in case any propositions be made to him by the said Court for a treaty with the U. S. to decline acceding to the same until he shall have transmitted them to Congress for their approbation; unless the treaty proposed be of such a tenor as to render his accession thereto necessary to the fulfilment of the stipulation on the part of the U. S. contained in the separate and secret article of their treaty with his most Christian majesty, in which case he is to conclude such a treaty on the first requisition of his Catholic majesty.

"That Mr Jay be at liberty to leave Spain and go into any other part of Europe whenever the state of his health may require it."

This report being called for and read,

Mr Lee moved that the latter part of the first resolution, "unless the treaty &c." to the end, be struck out. He observed that Congress were not bound by that secret article, as Spain had refused or declined to accede. That she had no right to the indulgence mentioned.

Mr Montgomery called for the secret article, which was read, and in which a power is reserved to Spain of acceding to the treaties of commerce & alliance with France at any time she may think proper.

Mr Lee said any time meant a reasonable time, that reasonable time had been allowed & she has absolutely refused and therefore Congress is no longer bound.

Mr Jones seconded his motion.

Mr Montgomery was of a different opinion The terms of the secret article were express that Spain should have liberty to accede when she thought proper. That she was to judge of the time & that the U. S. were bound to admit her accession.

Mr Izard called for a letter of Mr Jay wherein he mentioned that the Count de Florida Blanca declared that the court of Spain would not agree that the treaties between them & his M. Christian Majesty & the U. S. should be the foundation of a treaty between the U. S. & Spain.

This letter not being at hand,

Mr Duane arose and observed that we had nothing to do with Spain. The secret article was made with France. She on account of the strict connection between her and Spain stipulated and reserved this privilege to Spain. We have solemnly agreed to it and pledged our faith to France to receive her accession & facilitate the means to it whenever she thinks it a proper time. Can any thing Spain has yet done justify our violating our faith to France? Because Spain has offended shall we break with France and so soon violate the first treaty made with us?

Mr Ramsay is against the amendment; had rather America should lose its existence than its faith & honor.

Mr Madison is also against the amendment; grants that there is some weight in the observation of his colleague with regard to the time of Spain's accession. That the design of France was to engage Spain to enter into the present war & guarantee the independence of the U. S. agst G. B. Should she decline acceding until the conclusion of the war she ought not to be entitled to the benefit of the alliance or the future guarantee of the U. S. for her American possessions. He was not for striking out the paragraph or for limiting the time without the consent and concurrence of France.

Mr Root spoke on the same side.

Mr Bland thinks a treaty with Spain of no advantage to the U. S. If she wants a treaty let her sue for it and let Congress judge of the terms.

Mr Lee. Gentlemen had mistaken his meaning. He did not mean to violate the engagements entered into by the secret article; no man could be more averse to such a measure than he. He only meant that we should not shew too great a desire to enter into an alliance with Spain, which would be the case if the paragraph stood. Spoke of the interested views of Spain.

Mr Witherspoon observed that some gentlemen had under rated the services of Spain. She had done much. She had entered into the war with the common enemy. We had derived as much advantage from her exertions as if she had agreed to the treaty of alliance, for in that case she would have had a right to prosecute the war in such way as she thought proper & might have undertaken the siege of Gibraltar &c and would have been justified in so doing. Besides this she had aided us with money, opened her ports and admitted us to trade to Havannah. He is for retaining the clause; it gives a dignity to the report and will place our conduct in the fairest point of view. We are not perfectly satisfied with the reception our minister has received; we will not tease Spain with solicitation; but we will leave her to judge of the time & when she thinks it proper we will be ready to comply with our engagements.

Mr Rutledge. Concurs in sentiments with those who think we are bound by the secret article, and therefore will be against the present amendment but reserves the liberty of moving as he shall move to strike out the words "in which case" to the end, because it goes too far as he will show at a proper time.

Mr Clark, before he gives an opinion on the amendment wants to know the meaning of the report; apprehends it is only calculated to repeal the instruction given respecting the navigation of the Mississippi; if that is the design he is for speaking out plainly. However he will be against the present amendment.

Question put, shall the words stand, 10 states in the affirmative, Georgia against it.

Mr Rutledge then moved & was seconded by Mr McKean to strike out the words "in which case" &c. to the end. He observed by the secret article that a right was reserved to Spain not only to accede to the treaties of amity & commerce & of alliance at any time she thinks proper, but also to propose one analogous to them founded on the principles of equality, reciprocity and friendship, that in either case we were bound to admit her and in the latter had promised to endeavour in good faith an adjustment of the points in which the King of Spain may propose any alteration. That this latter case supposed and necessarily required deliberation & discussion and therefore that part of the instructions was improper. The words were accordingly struck out and the resolution with the amendment passed N. C. D.⁴

MS not found; reprinted from *NYHS Collections*, 11 (1879): 84-92.

¹ The following motion on this subject—"That a Committee be appointed to confer with the Minister of France on the expediency of striking a blow at Bermuda if not inconsistent with the destination of the French fleet"—in the hand of Pennsylvania delegate Thomas Smith and endorsed by Charles Thomson "Motion of delegates of Pennsylvania. Aug. 5. 1782. passed in negative," is in PCC, item 36, 1:359; and *JCC*, 22:429.

² Secretary Robert R. Livingston's "Minutes of a conference with the Hon. the Minister of France," which Thomson quoted and paraphrased here, are in PCC, item 79, 2:267-69.

³ There is no record of this debate or vote in the journals, but for a previous instance of congressional interest in a possible attack on Bermuda, see James M. Varnum to Washington, October 2, 1781.

⁴ For Rutledge's motion to amend these instructions for Jay almost immediately, see *JCC*, 22:455-56; and Thomson's Notes of Debates, August 7, 1782.

Virginia Delegates to Benjamin Harrison

Sir,

Philadelphia Augt. 6th, 1782.

We received the Letter your Excellency did us the honor to write the 27th ult.¹

The Committee to whom your Excellency's letter, touching the garrisons of York & Gloucester was referd, being pressd by us for their report, informd Congress, that they waited for some arrangements, which the Secretary at war was making on that subject, in order to compleat their report. These we understand to be, the dismission of those garrisons, as soon as the french Stores are removd; which they state as the reason for Count Rochambau's having desird to have them establishd. We shall attend to the interest of the State when the Report appears.²

All possible enquiry shall he made respecting Mr. Linctot.³

Tho no official accounts have heen receivd of the evacuation of Savannah, yet it is not doubted; and it is expected that of Charles-town

will soon follow. Advices from Europe make it probable, that a negotiation for a general Peace has commenced; but on what terms, or with what probability of succeeding we are yet to learn.

We expected instructions from the general Assembly, on the Fishery, *the admission of Vermont into the union*, the western cession & the navigation of the Mississippi. But we have not received any.⁴

We have the honor to be with the most perfect respect, Yr. Excellency's most Obedt. & most Humb'e Servts. A. Lee

J. Madison Jr.

P. S. Upon enquiry we find that Mr. Morgan⁵ was the only continental Agent for Indian Affairs; & that the Officers here know nothing of Mr. Linctot.

Theok. Bland, except that part marked with a dash underneath having already voted on that Question. A. Lee

RC (MiDbEI: Archives & Library). Written by Arthur Lee and signed by James Madison and Lee. Following Lee's postscript, also signed by Theodorick Bland, with added explanation, and a second time by Lee.

¹ See Madison, *Papers* (Hutchinson), 4:438–39.

² See Virginia Delegates to Harrison, July 23, 1782, note 3.

³ That is, Daniel Maurice Godefroy de Linctot. For Linctot's cooperation with George Rogers Clark in the Illinois country in 1779, see Madison, *Papers* (Hutchinson), 4:439n.1.

⁴ Although Edmund Randolph had assured the delegates the preceding May that they would "receive instructions as to the western territory, the navigation of the Mississippi, the fisheries and Vermont," Governor Harrison expressed surprise in his reply to this letter that the delegates expected such directions "as no Letter on the Subject ever came to my Hands." See Theodorick Bland, *The Bland Papers*, ed. Charles Campbell, 2 vols. (Petersburg, Va.: Edmund & Julian C. Ruffin, 1840-43), 2:83; and Madison, *Papers* (Hutchinson), 5:57.

⁵ That is, George Morgan.

Arthur Lee to John Adams

Dear Sir,

Philadelphia Augt. 7th. 1782

I wrote you a long letter of the 30th Dec. 1780 to which I have not yet received any answer. But I can not help writing a line to you by this opportunity, as well to congratulate you on the success of your negotiations in Holland as to mention to you what I think may be of material concern to you; that the present Minister for foreign Affairs is as devoted a partizan of Count de Vergennes and Dr. Franklin as any that exists. Here he is entirely under the direction of the Minister & Marbois. It may be obvious that considerable caution will be necessary

in your correspondence with such a Minister. You may also judge that some ballance is necessary against the french influence here, to keep us from swerving from the interest of our Country wherever that happens to run counter to the real or imaginary interests of the Court of Versailles. Therefore a Minister from the States general may be of essential utility here. For when there are two foreign parties, the friends to their country, tho' few, may make the scale preponderate as they please, which certainly is not now the case. For these reasons I think you will render us an essential service by hastning the departure of a Minister who may answer this valuable purpose.

Our Affairs here at present are prosperous. The Enemy have e[v]acuated Savannah after having been beaten in an engagement by Genl. Wayne; & it is pretty certain that the evacuation of Charles-town will soon follow. Hard-money begins to come in by taxes, & when Commerce has a little recoverd us from the baneful effects of Paper-money, I think, our Finances will soon acquire stability, & the States credit.

The Instruction which subjects you to the french Ministers gives great offence & uneasiness to many in Congress; & to no one more than to myself.¹ I think it most dishonorable & dangerous. It is a surrender of our Independence & Sovereignty & an acknowledgment that we are unequal to either. Mr. Jay has expressed the same sentiments very freely to Congress & I hope the Commissioners will not think that Instruction can bind them to assent to any thing injurious to their Country, tho it should be the advice & opinion of those who cannot have the interests of this Country so much at heart, & who are not responsible to us for their conduct.

God bless you & prosper your Negotiations, in spite of us, to a safe, honorable & lasting Peace.

PS. Please to make my Compts to Mr. Jay, & let him know that his Letters have gaind him some friends, & perhaps lost some. But his account of a certain Court differs so much from what I had learnt of it, that I cannot but think there has been some secret agency in the business. Remember me affectionately to Mr. Laurens.

Sir Guy Carelton & Admiral Digby have announcd to Genl Washington & he to Congress, that Mr. Grenville is instructed to propose the Independence of the 13 provinces, so they phrase it, previous to a negotiation.

This Letter was committed to Mr Lee, Mr. Witherspoon & Mr Rutledge, who will report I beleive—That Congress consider the above Letter as mere matter of Information, inexplicit as to the nature & extent of the Independency directed to be proposd by the british Plenipotentiary; & as Congress have receivd no information on this subject from

their Ministers for negotiating with G.B. therefore no public measure can or ought to be taken upon it, in its present form.

That it be & hereby is recommended to the several States in the Union, not to remit of their exertions for carrying on the war with vigor & effect.

That the Commander in cheif be authorizd to empower the Commissioners he shall appoint to settle a general Cartel; to release Earl Cornwallis from his parole in return for a similar indulgence granted by his britannic M[ajesty] to the Honble. Mr. Laurens.²

To our very great surprise, we have not received one line from you relative to our acknowledgement &c by the States general. Some of us suspect foul play with your Letters as Dr. Franklin has chosen to be silent on the subject, which no doubt is very mortifying to him & his Employers.

RC (MHi: Adams Papers). Endorsed by Adams: "A. Lee Esq. Aug. 7. Ansd. Oct. 10. 1782. Livingston a devoted Partizan of Vergennes and Franklin. The Instruction wh. Subjects us to the French Minister."

¹ See Lee to James Warren, July ? 1782, note 1.

² Considering its content and the altered appearance of the handwriting, this postscript was probably begun on August 9 and completed on or before the 12th. Washington's August 5 letter to Congress and enclosed August 2 letter from Carleton and Digby, which are in PCC, item 152, 10:665-71, were read in Congress on August 9 and referred to Lee, John Rutledge, and John Witherspoon. To this committee was also consigned the reports of two committees appointed July 29 and August 7 together with various letters relating to a partial exchange of prisoners. Lee's committee proposed on August 12 resolutions which he partially summarized here. See *JCC*, 22:460n.2, 23:462-64; PCC, item 19, 6:401-2, item 185, 3:37, item 186, fols. 46, 48; and Washington, *Writings* (Fitzpatrick), 24:466. See also Charles Thomson's Notes of Debates, August 9 and 12; and John Hanson to Washington, August 13 and September 1, 1782.

Massachusetts Delegates to John Hancock

Sir.

Philadelphia Augst. 7th. 1782

We have this Day had an Interview with the Minister of France at his Request; & are desired by him to communicate to your Excellency, his Sentiments respecting two Frenchmen,¹ who, on Account of their disorderly Conduct in assisting to break open the Goal or Workhouse, (the particulars of which we are not well informed of) are held to answer for their Misdemeanor, before the Judicial Authority of the Commonwealth. The Right of exercising which Authority, the Minister informs us, has been call'd in Question by the Consul of his most Christian Majesty, as also by the Commodore in the Ha[r]bor of Boston.

He is in Opinion that neither the Consul, nor the Commodore have any Right to interfere in this Matter: And he appears to be well satisfied with the Proceedings hitherto made, by the Authority of Massachusetts against those Frenchmen.

We have the Honor to be with Sentiments of the greatest Respect, your Excellency's, most obedient and most humble Servants,

Samuel Osgood

Jona. Jackson

RC (M-Ar: Revolutionary War Letters). Written by Osgood and signed by Osgood and Jackson.

¹ Not identified; but for further information on some of the incidents involving complaints against disorderly French sailors in Boston, see the consular reports of Phillipe-André de Létombe in Archives Nationales: Affaires Étrangères Série BI: Correspondance Consulaire, 209:55-197.

Jesse Root to Jonathan Trumbull, Sr.

Sir,

Phila. August 7th, 1782.

We have recd. no Information respecting the negociation for peace, Said to be Carrying on in Paris, but through the Channel of British papers. Great tumults have taken place in New York among the Tory & refugees in Consequence of the advices from England & the measures taken by Sir Guy Carlton in respect to them.

The garrison from Savanna have arrived at New York; unfortunately for us they had not been intercepted by the French Fleet, which they very narrowly escaped. Some additional Instructions relative to the Terms of peace are preparing by Congress to be Sent to our ministers in Europe.

A flag Ship arrived this week loaded with prisoners from England, having on Board 216 who are Set ashore & permitted to go without any parole; another is hourly Expected; this measure is in Consequence of an agreement made by Doctr Franklin to have them exchanged.¹ The enclosed papers will give your Excellency the news. Col. Dyer & Mr Huntington are well, as also is Mrs Trumbull. The Situation of my family makes it necessary I should return home, & as the State will be represented, I expect to Set out next week. With every Sentiment of respect & Esteem, I have the honor to be, your Excellency's Most obedt & most humble Servt.

Jesse Root.

RC (Ct: Trumbull Papers).

¹ For the arrival in America of prisoners recently released in England in accordance with an agreement reached between Benjamin Franklin and the Earl of Shelburne, see Morris, *Papers* (Ferguson), 6:175-76n.2; and Wharton, *Diplomatic Correspondence*, 5:539, 547, 554, 562, 565. See also Charles Thomson's Notes of Debates, August 28, 1782.

Charles Thomson's Notes of Debates

Wednesday, August 7th. [1782]

Mr Rutledge moved for an addition to the instructions which passed yesterday¹ which was agreed to and the instructions as amended and finally agreed to are as follows:

“Resolved, That the minister plenipotentiary at the Court of Spain be instructed to forbear making any overtures to that court or entering into any stipulations in consequence of overtures which he has made, and in case any propositions be made to him by the said Court for a treaty with the U. S. to decline acceding to the same until he shall have transmitted them to Congress for their approbation; unless the treaty proposed be of such a tenor as to render his accession thereto necessary to the fulfilment of the stipulation on the part of the U. S. contained in the separate and secret article of their treaty with his most Christian majesty.

“That Mr Jay be at liberty to leave Spain and to go into any other part of Europe when ever the state of his health may require it.”²

The Com^o for retrenching the expenditures of the United States in the several departments having reported a plan for arranging the army,³ in which it was proposed the troops of each state should be formed into complete battalions of not less than 500 rank & file by draughting the junior into the senior regiments, that no more officers be retained than what were necessary to command the regiments and that the supernumerary officers should retire on half pay until called into service or be employed in the staff department. When the paragraph respecting the retiring officers was under debate,

Mr Montgomery thought if the officers were liable to be called into service they ought to be allowed their full pay, as they could not enter into business or make solid arrangements for their future support and subsistence.

Mr Clark thought that the burthen of the half pay should be thrown upon the states which were deficient in their number of men & prepared an amendment to that purpose. The amendment appearing in the light of a substitute was not admitted whereupon he moved and was seconded by Mr Root to strike out the whole paragraph.

Mr Root was of opinion that according to the Articles of Confederation Congress ought to fix the number of troops necessary, assign to the States their respective quotas & call upon them to furnish those quotas, and that each State would be obliged to furnish its troops with the proper number of officers or would be answerable for the deficiency.

Mr Dyer. Of all the evils attending this war that of the half pay was never foreseen or thought of by the States. Having spoken for some time against a half pay establishment, he then undertook to obviate Mr Montgomery's objections and to shew that it was just and reason-

able & what no officer could complain of to allow men whose services were not wanted to retire on half pay until called again into service; but when the war was over all half pay should cease. On the question the paragraph was confirmed by eight States and the arrangement was agreed to by the votes of nine States.⁴

MS not found; reprinted from *NYHS Collections*, 11 (1879): 92–93.

¹ See Thomson's Notes of Debates, August 6, 1782.

² See *JCC*, 22:455–56; and *PCC*, item 59, 1:165–68.

³ For the adoption this day of the committee's "plan for arranging the army," which was also subsequently distributed as a broadside, see *JCC*, 22:451–53; and *PCC*, Miscellaneous Papers, reel 9, fol. 480. The committee had its origin in the appointment on June 11 of a committee of seven on "reducing the expenditures of the United States," which was superseded on June 25 by the appointment of the present committee consisting of Ezekiel Cornell, Theodorick Bland, James Duane, Ralph Izard, and Samuel Osgood. It received an additional charge concerning the judge advocate's department on July 10, and eventually submitted a series of reports to Congress on July 11, 24, August 1, 7, September 3, October 23, 29, and November 12, 18, 1782, for which see *JCC*, 22:378–82, 413–15, 425–27, 451–53, 23:540–41, 682–86, 693, 721–22, 732; and *PCC*, item 186, fols. 34, 38.

⁴ *JCC*, 22:454–55. For the revival of the half pay issue at this time, see Morris, *Papers* (Ferguson), 5:521–25. For previous congressional decisions on the subject, see these *Letters*, 9:675–76, 13:295–96n.1, 406, 16:234–35n.3, 247–48n.3.

Charles Thomson's Notes of Debates

August 8th. [1782]

After the house had passed a vote for reinforcing the garrison at Fort Pitt with 300 militia from Pennsylvania & Virginia & decided on a report respecting two Canadians,¹

Mr. Lee arose and reminded the house that there was a business before them of the greatest importance; that the interest, the honor and the safety of these States were so much concerned that he could not be easy nor stand justified to himself or his constituents until he had done everything in his power to bring it to determination. He therefore moved

"That the instructions given on the 15 June 1781 to the ministers plenipotentiary for negotiating a peace be reconsidered." This was seconded by Mr Bland & some other members. But Mr Root rising and expressing a desire that the motion might be expressed in such terms as to avoid all debates concerning the effects of a reconsideration, he moved "That a Com^{te} be appointed to revise and consider the instructions given to our ministers for negotiating a peace with Great Britain, and report what alterations ought to be made therein."

Mr Lee said he wished only for a fair discussion of the subject and to avoid every difficulty and debate arising from forms and therefore withdrew his motion and seconded that of Mr Root.²

Mr Rutledge is resolved to adhere strictly to the principles of the alliance with France, and to shew her all the respect and confidence which one nation would shew to another. He had full confidence in her magnanimity, but is doubtful whether Congress had power to surrender themselves into her hands. The case is delicate; he does not wish to give an opinion; he may upon mature deliberation. The Com^{ts} think it proper not to alter the instruction. It deserves consideration. He is therefore for appointing a Committee; if upon the most mature deliberation the Com^{ts} shall be of opinion that any alterations should be made they will report what they think proper; if they are of a contrary opinion they will say nothing about them. He found by looking over the journals that instructions had been given respecting a treaty of commerce and that afterwards these were withdrawn & repealed and nothing farther done on the subject. He thought the Com^{ts} to be appointed should be instructed to take this matter into consideration & report what was proper to be done.

Mr Williamson said he had listened with the greatest attention to the arguments offered. He had examined the instructions given. He did not think them of so dangerous a nature as was represented. The independence of the States and the principles of the alliance and treaty of commerce were fully secured. These were made ultimate, and not to be given up on any account. The matters in which the ministers were ultimately to be governed by the opinion of France were only what respected disputed boundaries, the fisheries and other matters which might come into discussion at the treaty.

Mr Rutledge. The boundaries were everything; what are the States? They must have boundaries. Is France to say what those boundaries shall be and must we submit?

Mr Lee differs in opinion with the gentleman from North Carolina. It is not sufficient that the independence of these States is secured. But he doubts whether even that is secured by the instructions. He is afraid of the accompaniment. That we shall be so circumscribed in our boundaries that our independence will be a nugatory independence. France in making a treaty will be governed by her own interest and from her long and close connection with Spain and prefer it to ours. Is it wise, is it proper to give a nation the absolute disposal of our affairs that is under the influence of two interests which she is bound to consult in preference to that of these States? This unlimited confidence will render us despicable in the eyes of France and make her less attentive to our rights. We have been informed by a minister of France that Spain has large claims on the lands beyond the mountains. Her conduct shews that she means to support her claim to that Country. She wishes to confine us to the lands lying below the heads of the waters falling into the Atlantic. We are told that she thinks she has a right to possess herself of all to the westward. And shall we submit it to France, her old friend and ally, whether her claims shall be

confirmed & we be excluded from the possession of that Country? Besides the power and instructions we have given will be dangerous to France and render her suspected by the other nations of Europe. Her language to the other powers of Europe has been that she entered into the war to support our independence; that we were left at liberty to grant the same indulgence and privileges to other nations that were granted to her. What will the other nations of Europe think when at the treaty of peace they find her entrusted with the whole, the absolute disposal of our affairs? Will they not become jealous? Will they not think she has deceived or means to deceive them? The instructions are also dangerous to the United States. It is essentially giving up the independence of these States and becoming dependents on the minister of France. For notwithstanding what is said in the former part of the instructions respecting independence & adherence to the principles of the treaties, as the clause comes afterwards by which our ministers are bound to govern themselves ultimately by the advice and opinion of France he is strong in the opinion and thinks he will be warranted by the rules of construction & the judgment of all men that this supersedes the former: and shall this be suffered to come in doubt? He is for binding the minister to pay the utmost respect and place the utmost confidence in France, to take no steps without consulting her. Thus everything will be done that can and ought to be done. Can any friend of France desire more? Can any gentleman in this house wish to continue to her a power that will be ruinous to our independence, dangerous to herself, expose us to the contempt and scorn of all the nations of Europe, and bring upon both her and us their jealousy & perhaps their resentment?

Mr Madison grants that the instructions given are a sacrifice of national dignity. But it was a sacrifice of dignity to policy. The situation of affairs and circumstances at the time rendered this sacrifice necessary. Nothing essential is given up, nor did it render our situation less precarious than it was before; nay he was persuaded that this mark of confidence gave an additional security to our interests as the Court of France must be sensible that the odium of unequal or hard conditions will now rest wholly on her.

At least he was sure that the instructions given did not weaken that security. Our interests are as safe in her hands now as they were before or as if the ministers were left wholly to their discretion. Our ministers may still, notwithstanding the instructions given, state & assert our claims and contend with the utmost earnestness for our rights, and it is only in the last extremity when all their pleas, all their reasoning and all their most earnest endeavours prove ineffectual that they are ultimately to govern themselves by the advice and opinion of the Court of France; and must not this have been the case if the instructions had never been given?

France has voluntarily bound herself by the treaties she has entered

into with us to secure and guarantee our independence & sovereignty absolute and unlimited as well in matters of government as commerce. What indication has she given of any alteration of sentiment or conduct towards us? It is her interest as well as policy to secure the affections of the people of these States and forever separate us from G. Britain. She can never think us formidable to her while we continue absolutely independent, nor will she ever object to our enlarging our boundaries or increasing our commerce & naval power unless we give her reason to suspect a want of confidence in her and a disposition to reunite ourselves with her ancient enemy. In that case interest and policy will both unite and induce her to keep us as weak as possible. Whether withdrawing our confidence at this critical moment will not give just grounds of suspicion and jealousy he leaves gentlemen to determine. There was a passage in Mr Jay's letter lately read which made a strong impression on him; he did not know whether it made the same on others. He meant that passage which mentioned the fears and suspicions occasioned by the late change in the British administration, lest the men now in office who had always professed themselves friends to America and had in such severe terms condemned the war might influence the councils and conduct of the Americans. The withdrawing the instructions given on the 15th June, 1781, added to what has passed with regard to Spain, will increase that jealousy.

Let us consider how it will operate on Great Britain. Tired with the war and disappointed in all her attempts to separate us from France, there is reason to think there are serious thoughts of peace, but flushed with her late success and flattered with the hopes of rising dissensions & jealousies between us & the other belligerent, will she not be encouraged to prosecute the war with new vigour & try by redoubled efforts to reduce us to her power?

But it is said our dignity is stained, and that we must revoke the instructions in order to wipe off that stain and restore its lustre. But will this do? Will it repair our loss of dignity in the eyes of the nations of Europe to convince them we are a people unstable in our councils & measures, governed wholly by circumstances, *abject & profuse* of promises when in distress and difficulties, but who veer about on a change of circumstances & on whose promises and professions no reliance can be placed? In a word, continued he, I am persuaded that a change in the instructions will not add to our security. I am persuaded that it will give umbrage to our ally, and by a seeming act of ingratitude or of diffidence awaken her suspicions and jealousies, and abate her zeal in our favour. I am persuaded that the umbrage and jealousy which this measure will excite will be prejudicial to us and will give encouragement to our enemy to prosecute the war. I am persuaded it is now too late to alter, and that withdrawing our confidence will not cure the wound given to our national dignity. For all these

reasons I shall be against touching the instructions given. But if any member thinks that anything farther can be done to secure to the United States the several objects claimed by them, I shall have no objections to that, it being well understood that no encroachment is to be made on the instructions given, but they are to remain in their full force. I shall therefore move that the motion before the house be postponed, and if that is carried I shall then move—

That a Com^{te} be appointed to take into consideration and report to Congress the most advisable means of securing to the United States the several objects claimed by them and not included in their ultimatum for peace of the 15th day of June 1781.³

I now move that the consideration of the motion before the house be postponed.

Mr Witherspoon seconded the motion. Said that if he had been agst the instructions at the time they passed, he would now from circumstances be against altering them. But he would remind gentlemen that the passing the instructions of the 15 June 1781, against which exceptions were now taken, was only the least of two evils which Congress were reduced to a choice of. A difference in sentiment had arisen between the Count de Vergennes & Mr Adams respecting the use the latter thought he ought to make of the discretionary powers with w^{ch} he was intrusted. This dispute was maintained by Mr Adams with a pertinacity that gave just offence more especially as it must be allowed & Congress were sensible he was wrong. Besides this Mr Adams entered into another dispute with Count de Vergennes on a subject which had no immediate connection with his mission. These disputes had given such offence that Congress were under the necessity either of recalling him or passing the instructions. They chose the latter as the least injurious to their national dignity. He was satisfied at the time & is still satisfied that it did not lessen our security. The Court of France by her treaties with us was bound only to maintain our independence absolute and unlimited as well in matters of government as commerce. These being secured she had a right to judge whether she would continue the war for other objects claimed by us, in the same manner as we had to judge whether we would continue the war on her account for objects not contained in the treaty. Our ministers were not restrained from urging everything they thought proper to obtain what we wished or desired. They could contend to the last and if obliged to submit they could enter their protest. Could they have done more if left quite at liberty? Congress adopted the only thing in their power to secure the rights of all the States. They added more members to Mr Adams and those from different parts of the continent. This removed every suspicion or fear that the interest of one part would be sacrificed to secure that of another. He then touched upon the jealousy which a change in our instructions w^d excite, the opinion that would

be formed of our instability & possibly of our ambition. G. B. had taken great pains to impress the Courts in Europe with an opinion that we aim at conquest. France had even imbibed some suspicion of that sort & therefore her former minister had in a free conference with Congress urged the necessity of moderation. He concluded with observing that as the confidence placed in France was a mere compliment and not a giving up any real security, he should be against withdrawing it and should therefor vote for postponing.⁴

Mr Rutledge said it was true France was bound to maintain the independence of the States but he wanted to know what were the States. He did not enter into the war for himself or for those inhabiting the lands on the waters falling into the Atlantic, but for posterity; for those who would hereafter inhabit the country beyond the mountains to the extent formerly claimed by the crown of Great Britain as belonging to these thirteen States. He would continue the war forever rather than be circumscribed in narrower bounds. He should therefore be against postponing.

The question being put passed in the affirmative.

Mr Madison then proposed his resolution and was seconded by Mr Witherspoon.

Mr Rutledge resumed the debate; he was against the motion as explained. It is absolutely to ascertain our boundaries & define our other claims. He understood that the minister of France in a conference with the Com^{ts} who brought in the instructions of June 1780 had pressed them to fix the claims of the U. S. They ought to have done it; as they did not then do it it ought to be done now. They had no business to suppose we had disputed boundaries. There were other matters that might come on the carpet in a negotiation for peace. We had withdrawn the instructions and powers formerly given respecting a treaty of commerce with G. B.; we should say something on that matter.

He therefore would propose to postpone the present motion & if that was carried he would move—

That a Com^{ts} be appointed to revise the instructions to the ministers plenipotentiary of the U. S. for negotiating and concluding a treaty of peace with G. B. & to consider & report if any and what instructions should be given to them respecting such treaty & for negotiating a treaty of commerce with G. B. The motion for postponing being seconded by Mr Dyer.

Mr Witherspoon seemed to admit that the minister had desired the Com^{ts} to fix their boundaries; that it could not be done so as to make it an ultimatum to the satisfaction of all the States. He observed that the happiness of the people on this side of the Alleghany Mountains was a sufficient object to induce them to enter into the war; that some of the States had their boundaries fixed and determined; that the State he had the honor to represent was one of them; that it had not entered

into the war nor would it he believed be willing to continue it for the sake of boundless claims of wild uncultivated country; more especially as it was a matter of dispute & will undoubtedly occasion much contention among the States to whom that country if ceded will of right belong that what relates to a treaty of commerce will come within the objects of the present motion; he is therefore against postponing it.

Mr Jackson wished to have an exposition of our rights made out and laid before the King of France, & that he should be informed nothing less will satisfy the people of this Country.

Mr Telfair. For his part he thinks it no matter who gives up our rights if they must be given up, whether the King of France or our ministers; he is for fixing our boundaries to the Mississippi. As to our claims beyond that to the South Sea he would leave them to discretion. Something more was said but rather in the way of conversation.

The question for postponing being put passed in the negative. On the question for agreeing to Mr Madison's motion, the yeas and nays being required by Mr Telfair—

New Hampshire,	Mr. Gilman,	No. }	×
Massachusetts,	Mr. Osgood, Mr. Jackson,	Ay. } Ay. }	AY.
Rhode Island,	Mr. Cornell, Mr. Howell,	No. } No. }	No.
Connecticut,	Mr. Root, Mr. Huntington, Mr. Dyer,	Ay. } Ay. } Ay. }	AY.
New York,	Mr. Duane, Mr. Scott,	Ay. } Ay. }	AY.
New Jersey,	Mr. Condict, Mr. Witherspoon,	No. } Ay. }	DIVIDED.
Pensylvania,	Mr. Smith, Mr. Clymer,	Ay. } Ay. }	AY.
Delaware,	Mr. McKean, Mr. Wharton,	Ay. } Ay. }	AY.
Maryland,	Mr. Hanson,	Ay. }	×
Virginia,	Mr. Madison, Mr. Bland, Mr. Lee,	Ay. } Ay. } Ay. }	AY.

N. Carolina,	Mr. Williamson, Mr. Blount,	Ay. } Ay. }	Ay.
S. Carolina,	Mr. Rutledge, Mr. Ramsay, Mr. Izard, Mr. Middleton,	Ay. } Ay. } Ay. } Ay. }	Ay.
Georgia,	Mr. Telfair, Mr. Jones, Mr. Few,	Ay. } Ay. } Ay. }	Ay.

The Com^{te} was appointed consisting of Mr Madison, Mr Rutledge, Mr Witherspoon, Mr Jackson and Mr Duane.

MS not found; reprinted from *NYHS Collections*, 11 (1879): 93-103.

¹ *JCC*, 22:456-58. The Canadians were Dominique L'Eglise and Joseph Traversie, for whom see these *Letters*, 11:119, 13:366-67, 371.

² *JCC*, 22:458-59.

³ See *JCC*, 22:459-60; and Madison, *Papers* (Hutchinson), 5:33-36.

⁴ Witherspoon also discussed the background of the adoption of the June 15, 1781, instructions at even greater length in a letter to an unidentified correspondent which he probably wrote at about this time, for which see Witherspoon to Unknown, August 9 1782.

Theodorick Bland to St. George Tucker

Dr. Tucker

Philada. Augt. 9th 1782

I have Just time to acquaint you by Express that Congress have this day received very important information, in a letter addressed to Genl. Washington by Sr. Guy Carleton & Admiral Digby in Q[ualit]y of Commrs. for making Peace¹—in Which he informs the Genl. that that from Authority he is informd that Mr. Grenville has been sent to Paris with powers to negotiate a Peace with all the Powers at War and that he is now actually employd in that negotiation and that the King of G Br. has given orders to his ministers to empower Mr. Grenville to offer America her independancy as a preliminary to, not as a condition of the Peace. There are yet some suspicious circumstances attendg. this intelligence and the mode of Communication—it is not addressed to Congress—but to Genl. Washington—an offer of Exchange of Prisoners Sailors for Soldiers is made in the same letter &c. which I have not now time to descant on. I fear the Greeks and their offers—the Way to peace is open—untill I see the British fairly enter'd I shall not trust them—tho, I confess, appearances seem to

Indicate more Sincerity than I have yet observed from that Govt.

I must Conclude and am Dr. Sr. &c. &c.²

[P.S.] There are a very Considerable number to the Amt. of 20 or 30 of the Mail Robbers taken up & secured. I believe they will be hanged.³

RC (ViW: Tucker-Coleman Papers). In Bland's hand, though not signed.

¹ See Arthur Lee to John Adams, August 7, 1782, note 2.

² Bland also wrote the following brief letter to Benjamin Franklin in Paris two days later: "At the request of Mr. James Hunter a Mercht. of Virginia—I have the honor to transmit to your Excellcy. the enclosed addressed to you, and containing a letter from his Lady to a Lady in Paris, which he wishes to have a safe Conveyance through your Excellencys Hands." Franklin Papers, PU.

³ The *Pennsylvania Journal* of August 7 had reported the capture of a large number of thieves and "Mail Robbers" operating in northeastern Pennsylvania, New Jersey and New York. See also *Pa. Archives*, 1st ser., 9:596–606, 608–17, 628, 634; and *Pa. Council Minutes*, 13:342–44, 349, 372–73.

James Madison to Edmund Randolph

Philada. Augst. Ninth 1782.

Extract of a letter from Carlton & Digby to Gen Washington, Aug. 2.¹

"We are acquainted Sir by Authority that negociations for a general peace have already commenced at Paris & that Mr. Grenville is invested with full powers to treat with all parties at war, & is now at Paris in execution of his Commission. And we are likewise Sir further made acquainted, that his Majesty in order to remove all obstacles to that peace which he so ardently wishes to restore, has commanded his Ministers to direct Mr. Grenville, that the Independency of the thirteen Provinces should be proposed by him in the first instance, instead of making it a condition of a General Treaty; however not without the highest confidence that the Loyalists shall be restored to their possessions, or a full compensation made them for whatever confiscations may have taken place."

This is followed by information that transports are preparing to convey all American prisoners in England to the U. S. and a proposition for a general exchange in which Seamen are to be placed agst. Seamen as far as they will go, & the balance in favr. of G. B. to be redeemed by land prisoners, the former to be free—the latter not to serve in war agst. the 13 Provinces for one year. An embarcation taking place at N. Y. either for Charleston, either to reinforce that Garrison or replace it.²

The preceding letter was published in N. York at the same time that it was sent to Genl Washington.³ I commit this intelligence to your dis-

cretion; making no other remark than that it clearly calls for our watchfulness at the same time that it flatter[s ou]r expectations.

J. Madison.

[P.S.] The departure of the Express does not leave me [time to] put this into a more decent form.

RC (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:40–41.

¹ See Arthur Lee to John Adams, August 7, 1782, note 2.

² This information actually came from Washington's August 5 dispatch, for which see *ibid.*

³ Carleton and Digby's letter was published in the August 6 issue of James Rivington's *Royal Gazette*.

Charles Thomson's Notes of Debates

Friday, Augst 9. [1782]

This day a letter was rec^d from Gen^l Washington enclosing a copy of a letter to him from Guy Carleton & R. Digby dated New York, August 2,¹ & in which they acquaint him "that negotiations for a general peace have already commenced at Paris & that Mr Grenville is invested with full powers to treat with all the parties at war & is now at Paris in the execution of his commission," that the ministers of G. B. are commanded "to direct Mr Grenville that the independency of the thirteen provinces should be proposed by him in the first instance instead of making it a condition of a general treaty, however not without the highest confidence that the loyalists shall be restored to their possessions or a full compensation made them for what ever confiscations may have taken place," that Mr Laurens has been enlarged and discharged from all engagements without any condition whatever, after which he declared of his own accord that he considered Lord Cornwallis as freed from the parole. "Upon this point they desire his excellency's sentiments or those of Congress." That transports have been prepared in England for conveying all the American prisoners to this Country to be exchanged here, "that they are directed to urge the most speedy exchange." They conclude with renewing the proposition that all exchanges of men of the same description being exchanged sailor & soldier be exchanged man for man against each other, with this condition annexed, that our sailors shall be at liberty to serve the moment they are exchanged & that the soldiers so received by them shall not serve in or against the thirteen provinces for one year. Advice being received at the same time that this letter as soon as written was communicated to the inhabitants of N. York and printed in hand bills & Congress having received no advices from their ministers abroad of what was passing in Europe, it was judged

proper to refer the letter to a Com^u that they might consider and report what was proper to be done. The com^u Mr Lee, Mr Wither-
spoon & Mr Rutledge.

The remainder of the day was spent in reading the proceedings of a general Court Martial on the trial of Major Gen^l Dougal.²

MS not found; reprinted from *NYHS Collections*, 11 (1879): 103–4.

¹ For the receipt and disposition of these letters, see Arthur Lee to John Adams, August 7, 1782, note 2.

² See James Duane to Alexander McDougall, August 28, 1782, note. There is no entry in Secretary Thomson's journals of Congress for this date.

Virginia Delegates to Benjamin Harrison

Sir,

Phidelpia Augt. 9th. 1782

An Express despatchd, this day, gives an opportunity of conveying to your Excellency, the following Extract of a Letter receivd from Sir Guy Carleton & Admiral Digby, by Genl. Washington, & by him communicated, this day, to Congress.

"We are aquainted Sir, by authority, that negociations for a general Peace, have already commenced at Paris, & that Mr. Grenville is invested with full Powers, to treat with all Parties at war, & is now at Paris in the execution of his Commission, & we are likewise, Sir, further made acquainted, that his Majesty, in order to remove all obstacles to that Peace, which he so ardently wishes to restore, has commanded his Ministers to direct Mr. Grenville that the independency of the 13 Provinces shoud be proposd by him, in the first instance, instead of making it a condition of a general treaty; however not without the highest confidence, that the Loyalists shall be restord to their possessions, or a full compensation made them for whatever Confiscations may have taken place. dated Augt. 2d. 1782."

The british Commanders add a repetition of their proposition for an exchange of our Seamen for their Soldiers.

The Commander in chief also informs Congress, that Troops are embarking at N. York, as it is said for Charlestown.

The Enemy appear to have publishd & circulated the above declaration of the Instructions given to their plenipotentiary, thro the U. S.

Your Excellency will perceive that the Enemy are providing for war while they are flattering us with propositions of Peace & Independence, & therefore that we should be well advisd not only, not to remit of our preparations, but to redouble our efforts, which may make, what might be a feint, a reality.

We have the honor to be with the greatest respect Yr. Excellencys most Obedt. Servts

Theok. Bland Jr

J Madison Jr.

A. Lee

RC (Vi: Continental Congress Papers). Written by Lee and signed by Lee, Bland, and Madison. Madison, *Papers* (Hutchinson), 5:38–39.

Connecticut Delegates to Jonathan Trumbull, Sr.

Sir, Philadelphia, August 10th, 1782.

Yesterday morning a Copy of a letter from Sir Guy Carlton to Genl Washington was read in Congress, of which, so far as it respected a negotiation for peace & the proposals of American Independance, the inclosed hand bill is a transcript.

Whether these overtures are Sincere on the part of Great Britain, & proceed from Sound policy, to improve the late brilliant Successes in the East Indies & elsewhere, to treat more advantageously, rather than risque the Consequences of so formidable a Combination against her to the Events of War, and being Convinced of the impracticability of regaining America by arms, by an Open, Explicit Acknowledgement of our Independance, Secure to themselves future Commercial advantages from a Connection with us; Or Whether they are Insincere & insidious, made to amuse only, to lull us into Security & gain time for themselves, is somthing of a question; for Congress as yet has received no official accounts of the matter.

Congress have passed a resolution reducing the army, a Copy of which is inclosed.¹ The Agents for Pensylvania and Connecticut have agreed on the Judges to determine the Controversy between the Two States: they are as follows (viz) Genl. Whiple of New Hamshire, Genl Green of Rhod Island, Cheif Justice Brearly & Mr Huston of the Jerseys, Mr Griffin & Mr Jones of Virginia, & Govr Rutlidge of South Carolina, any five to be a Quorum.² The appointment of officers in the Army from Connecticut was objected to, because some of them were said to be appointed in room of others who had retired, which wants Explanation; but since the late regulation we doubt Whether any new appointments will take place.

The Memorial of the deranged officers in the Connecticut line for their half pay is postponed to the first Wednesday of Jany next³—every department is exceedingly distressed for want of Money. The necessity of vigorous exertions by the States is every day more & more evident.

The papers Which accompany this Contains the news. We are, with every Sentiment of Respect, Your Excellency's most obedt & humble Servants.

Elipht Dyer

Jesse Root

Benj. Huntington

P.S. The Hand bill above referred to is in the paper of to-day.⁴ Mr Root Expects to leave Congress in a week or two; his family & affairs make it necessary.

RC (Ct: Trumbull Papers). Written by Root, and signed by Root, Dyer, and Huntington.

¹ See Charles Thomson's Notes of Debates, August 7, 1782, note 3.

² See Connecticut Delegates to the Pennsylvania Agents, July 25, 1782.

³ See JCC, 22:418, 423, 24:43; and Charles Thomson's Notes of Debates, July 30, and August 7, 1782, note 4.

⁴ That is, the August 10 issue of the *Pennsylvania Packet*.

John Taylor Gilman to Meshech Weare

Sir

Philada. Augs. 8th [*i.e.* 10] 1782.¹

I did my Self the Honor to write you by Mr. Lowell the 5th Instt.

By Letters from his Excellency Genl. Washington receiv'd yesterday, are informed, that Sr. Guy Carleton has informed him that he with admiral Digby are appointed Commissrs. for making peace, this Commission was receiv'd by a late Packett, it is probable a few Days will give further Information in this business.²

This goes by Capt. Young, to Boston, who is Just Setting out—have not time to add, but that I have the Honour to be, Your most Obedt. servt.

John Taylor Gilman

RC (MHi: Weare Papers).

¹ Although Gilman clearly wrote "Augst. 8th," this letter was almost certainly written on August 10—the day after Washington's August 5 letter enclosing Sir Guy Carleton's August 2 letter was read in Congress, as reported by Gilman in this letter. See Arthur Lee to John Adams, August 7, note 2.

² See Gilman to Weare, August 15, 1782.

John Hanson to Philip Thomas

Dear Doct.

Philadelphia Augt. 10th. 1782, 10 oClock at night

Colo Wood delivered me your letter with the Buckles & Cash. We are amused here with peace, the foundation you will See in the inclosed paper.¹ Your good Sense will not Suffer you to rely much upon it. The British may be Sincere in what is given out but I Confess I Cant help Suspecting that it is Calculated to deceive however if the Opinion Should generally prevail Among the people that peace is near at hand, it will be an Excellent opportunity of recruiting the Army during the War so that what they may have intended as An Injury may turn out to our Advantage. We must have patience a little time will discover their real intentions. I thank you for the little Sums of money you have from time to time Sent me, they have been of great Service. I would not have you Send me anymore. I am now in blast and expect my allowance will be paid monthly in future. I have recd the order on Mr. Palmer. Wish I could give you a lift, in paying for your house—

many purchasers of the Confiscated property are afraid from the difficulty a raising money will have reason to repent. Should Executions take place great losses must be Sustained. Your neighbour I am afraid will be among the Sufferers. Crops of Corn you say will be very Short. Would it not be best to Stop Selling any more of my old Corn? Please to tell Taney to endeavour to Settle with all his Customers & receive payment before I return which I hope on God will be the middle of November at furthest.

A Considerable detachment of Troops is making at New York intended it is said for Charles Town either to reinforce that Garrison or to relieve it. My best wishes Attend you and the Children.

RC (MdHi: Hanson Letters). In Hanson's hand, though not signed.

¹ The August 2 conciliatory letter of Gen. Guy Carleton and Adm. Robert Digby to Washington, which the latter had enclosed with his August 5 letter to Congress, was printed in this day's *Pennsylvania Packet*.

David Howell to John Brown

Sir,¹

Philadelphia 10 Augst. 1782

Since I wrote you² a report has been made from the Office of Finance, of requisitions for the Year 1783, which has been referred to a Committee.³ As one of this Committee shall endeavour to Push forward the Building a Navy, & request Your Advice on that Head. The estimate Accompanying it Amounts to Eleven Millions, but two millions are deducted on the Presumption that Certain plans of Oeconomy in contemplation will be Carryed into effect. Nine millions are the lowest that Can be required in the Opinion of the Superintendant of Finance, of which two millions & half (I wrote two millions only by mistake to Coll. Nightingle)⁴ Are Allotted to the Marine Department. It is proposed to bestow particular Attention to the Marine & with all Convenient Speed to put it on a respectable footing.

I wrote you in my last something About half pay. I have Since enquired into it more fully: in the estimate for the Currant Year 110,000 Dollars are allowed for half pay to Officers already deranged, or retired. Besides which there are Several Years arrearages due, & Annuetys granted to foreigners & to disabled Soldiers & Officers & the whole Corps of Invalids a dead weight in Addition, & perhaps Juste enough, to a very Considerable Amount.

By a resolve passed Since I came in which my Colleague & I were divided About 23/40 of Our Officers are permitted to retire on half Pay during life, which will Amount for the ensuing Year of 1783, to 240,000 Dollars.⁵ Hence the half pay list only for the Year 1783 will Amount to the enormous Sum of 350,000 Dollars.

You may now Judge whither in my last I did not rightly conjecture That it would exceed the Net proceeds of the 5 Per Cent revenue.

Mr. Morris's Calculation for the 5 Per Ct. is as follows.⁶ He Admits that 12,000,000 of Dollars is the Amot. of Imports & prize Goods Annually; the 5 Per Ct. on which would be 600,000 Dolls. Allowing 1/6 for Collecting &c (which is moderate) the Net proceeds would be 500,000 or about half a Million.

Should peace take place, of which there is Some Prospects and we all Hope for it Soon, if good terms can be Settled, and Should the whole Armeey be deduced you may easily Calculate from the Above principles and with *grailcertainty*, that the half pay by that Means Augmented, would exceed the *computed*, or *estimated* or *imaginary* net proceeds of the 5 Per Ct. Now sir I ask, and I demand an Answer, would not this enormous load of debt, contracted without Any Necessity & to be paid without receiving Any Services therefor, prove a Birden too heavey for eighther us, or our Children to bear?

It is given out that the 5 Per Ct. is to be Appropopriated for Discharging the Intrest of Loan Office Certificates, it may be so, or it may not be so, for its Appropriation is Wholly Trusted to Congress & should they deem it more Necessary to Discharge half pay than Other Debts, who shall Oppose there Determination? I wish my Constituents only to know the Truth & to Act with there Eyes open and I must rest as easy as I Can Under their determination.

Prudence forbids trusting to the Casualties of a letter, Some other remarks About our Finances, which I wish to make. But Should Heaven grant Us virtue to do Justice with Impartiality both to Soldiers & Citizens nothing is to be feared, Our resources are Superior to every Demand.

A loan is in Contemplation, so that the Above requisition of 9,000,000 Dolls will not be made on the People but in Part, It is well known with what difficulty the last Tax is Collected, or rather is Not Collected. It is My Opinion that mony is very Plenty this way, which I argue from the high prices of Produce & Merchandize, and that the Apparant Scarcity of money is caused by the real want of *Credit*, both *publick & private*. Yours &c,

D. Howell

P.S. Please to Inform me of the Most Material Transactions of the General Assembly as soon as you find it Convenient.⁷

Tr (RPJCB: Brown Papers).

¹ Undoubtedly John Brown, a Providence, R.I. merchant, to whom Howell wrote a similar fiscal letter on September 10, which is in the same unidentified hand and in the same collection of Brown Papers.

² Not found.

³ Howell was referring to the "grand committee" appointed on July 22 "to take into consideration and report the most effectual means of supporting the credit of the United States." *JCC*, 22:407-8.

⁴ Not found.

⁵ See Charles Thomson's Notes of Debates, August 7, 1782.

⁶ See Morris, *Papers* (Ferguson), 6:65; and Thomson's Notes of Debates, August 5, 1782.

⁷ Brown was a member of the Rhode Island Assembly which had convened in May. Bartlett, *Records of R.I.*, 9:539.

David Howell to William Ellery

Sir,

Philadelphia 10 Aug. 1782.

Your favour of the 6 Ult.¹ came to hand the 5 Inst. I congratulate you on your safe return home—to the enjoyment of the repose of domestic life endeared by so long an absence on public service. You wish for news I send you the paper of the day—in it you will see Carleton & Digbys letter to General Washington and make your own comments.

Notwithstanding my endeavours to qualify myself with the notices requisite, both as to form & substance, to enable me to fill, with propriety, my present place, I find myself very deficient. It is not an easy thing for a new member to take up the business of Congress & proceed in it with consistency & propriety.

General Washingtons Letter enclosing the above sd. letter informs us that an embarkation is taking place at New York and that it is said to be for Charlestown. This does not look like its being evacuated soon as we have been led to expect.

I am informed that the Resolve concerning the German Prisoners is carrying into effect. The Ordinance for establishing a Supreme Court of Appeals in maritime causes has not had a 3d reading; nor is the vacant Seat in the Court filled as yet; my friendship to Mr Marchant will lead me to serve him with pleasure as far as it shall be in my power.

Not long since was read in Congress a Letter from Mr Jay dated at Madrid. It contained upwards of 100 pages in Folio; being a journal of his proceedings from October 1781 to April 28 1782, including his negotiations with the Ministers at that Court, His Letters to Dr. Franklin, answers, &c. &c. On the whole it might have been written in Capitals PROCRASTINATION. Nothing definitive is to be expected soon in that Quarter. So entirely do they neglect us that Mr Jay has been under the necessity, notwithstanding encouragement from them at sundry times of pecuniary assistances of protesting bills for the pitiful Sum of £20,000 Sterlg. But Dr Franklin found means to satisfy the bills soon after through the bounty of our GREAT, GOOD & GENEROUS ALLY.

By another Letter of May last, which is short, we are informed that Mr Jay was going to Paris. What if Messieurs Adams & Laurens should join him & Dr Franklin at Paris & be, perhaps at this moment settling preliminaries for a general pacification? The British have undoubtedly made some advances—What is doing time will discover, "*Timeo Danaos et dona ferentes*."² The objects of negotiation are various—To divide interests—To procure Allies—or for peace. The Britons wish

for peace, but I fear they are not sufficiently humbled to accept of such terms as will be offered them. Should their terms have been concerted and approved of by the Empress, or any other northern Power, and be rejected by the Powers at war with them, tho' they fail of peace they may get allies & carry on the war with renewed vigour. God grant us an honorable peace or none at all!

It gave me great pleasure to find that you *breakfasted with our illustrious General the friday morning after you left Philadelphia* not only on account of the mutual Satisfaction it must have afforded you both, but as it will tend to justify the attempts I made, on a late occasion, to remove an injurious aspersion thrown out against you in this regard. Your conduct, Sir, must silence your enemies & put them to confusion; I am sorry to hear that either Judge Mowry should assert or General Miller believe that you ever was concerned in such an infamous intrigue as you mention.³

As I have no evidence of its existance, but every reason to believe that had it existed, you would have detested entring into it, I cannot doubt but on a thorough investigation and detection of their affairs, in which I wish you good speed, your character instead of being injured will receive an additional lustre. It is indeed to be lamented but experience evinces the facility with which points are carried in such small Republics as ours by the vile arts of falsehood & detraction: and little do those who practice them regard their detection after their points are carried; while the injured party, not having the means of defence at hand is obliged *tempori succumbere* and with difficulty at last, if ever, totally eraseth the ill impressions from the minds of his Fellow-citizens.

No official accounts have been received from the Hague further than the News Papers must have informed you. The Completion of treaties & the arrival of a Dutch Minister may be momentarily expected.

On the request of Mr Joseph Brown of Providence I have lately transmitted him by a safe hand a very particular account of the construction, parts, dimensions, &c. with a deliniation of the Cylinder & flue of the wooden still about which you wish to be informed; as I kept no copy and doubt not of his having received my letter⁴ I must refer you thereto for information.

I beg you to make acceptable my particular regards to your Brother Christopher Ellery, your Son in law Mr Channing, Mr Merchant & all Friends.

Believe me to be with much esteem & deference, Sir, your Friend & humble Servant,

David Howell.

P.S. Should you attend the ensuing Session of Assembly have to request you would give me the earliest notice of their most material transactions.

D.H.

RC (NN: Emmet Collection).

¹ Not found.

² "I fear the Greeks, even offering presents." Virgil *Aeneid* 2.49.

³ Ellery had been accused by fellow Rhode Island delegate Daniel Mowry of having supported the Conway Cabal's attempt to replace General Washington with Gen. Horatio Gates during the winter of 1777–78. He had apparently defended himself against these charges in the July 6 letter to Howell acknowledged above, and subsequently explained his position in the following terms in a September 21, 1782, letter to Gen. Nathan Miller of Warren, R.I. "Since my return from Philadelphia," Ellery wrote, "I have been informed that the Hon'ble David Mowrey had told you that I was an enemy to Genl. Washington, and in proof of his assertion said that, upon a question in Congress, whether Genl. Washington or Genl. Gates should be Commander in chief of the armies of the United States, I had voted for Genl. Gates, or words to that purpose, and that he had seen, the vote in the journals of Congress, or had a copy of it at his house.

"As by a report of this sort my character hath been sensibly affected in this State, I am determined to call upon Mr. Mowrey for an explanation of his conduct in this instance; and in order to do it with propriety I wish to know from you the expressions he made use of as exactly as you can recollect them."

See Burnett, *Letters*, 6:488–89; and William Fowler, *William Ellery: A Rhode Island Politico and Lord of Admiralty* (Metuchen, N.J.: The Scarecrow Press, 1973), pp. 141–44. See also Charles Thomson to Ellery, June 8, 1782.

⁴ Not found.

Charles Thomson's Notes of Debates

Monday, August 12. [1782]

The Com^{ts} on the letter from Carleton and Digby made a report, whereupon Congress, in order to obviate an opinion that was prevailing of their having received overtures for a peace, directed the letter to be published & resolved that they considered the letter as mere matter of information, inexplicit as to the nature and extent of the independence directed to be proposed. That as they have received no information on this subject from their ministers for negotiating a peace, no public measure can or ought to be taken upon in its present form. They recommended it to the several States not to remit of their exertions for carrying on the War with vigor as the only effectual means of securing a safe and honorable peace. And as the British Commanders had heretofore always refused to settle a cartel under pretence that it would be in fact an acknowledgement of our independency, they resolved to put the British Commanders' sincerity to the test and therefore directed Gen^l Washington to propose to them the appointment of Commissioners to settle forth with a general cartel for the exchange of prisoners, take care that the liquidation of accounts & settlement of the balances due for the maintenance of prisoners be provided for therein. The Com^{ts} proposed and reported that the General should be directed to empower his Commissioners to release

Cornwallis from his parole, in return for the indulgence granted to Mr Laurens. But Mr Rutledge, one of the Com^o, inveighed against this with so much warmth and indignation that it was rejected with a loud and general *no* from every part of the house.

Nothing was said on the proposition for exchanging soldiers for seamen, Congress deeming it inexpedient to touch upon that matter at present or to do anything that might serve as a pretext for refusing to settle a cartel; and apprehending, if a general cartel was established, provision might be made therein for the release of our seamen as well as for preventing the capture of unarmed citizens.¹

MS not found; reprinted from *NYHS Collections*, 11 (1879): 105–6.

¹ For the congressional response to the two reports acted upon this day, see *JCC*, 23:462–64; *PCC*, item 19, 6:399–402, 413; and Madison, *Papers* (Hutchinson), 5:42–43.

John Hanson to George Washington

Sir

Philadelphia Augt. 13th 1782

Your Excellencys letter of the 5th inclosing a Copy of Sir Guy Carleton and Admiral Digbys Letter to you of the 2d, Came to hand in the Evening of the 8th which were laid before Congress the next Morning Their Sentiments thereon, I expect will be forwarded to your Excellency from the War Office by this post.¹

I have the honor to inclose you Copys of Letters from Gen. Green to Congress, and also Copys of Gen. Waynes Letters to Gen. Green, together with a Copy of the return of the Killed and Wounded in an Action of the 24th June with a Body of Creek Indians.²

I Congratulate you on the evacuation of Savannah, and have the honor to be with real esteem and regard, Your Excellencys most obedt & humble Servt

John Hanson

RC (DLC: Washington Papers).

¹ Washington's August 5 letter and the enclosure from Carleton and Digby, which announced "that negotiations for a general Peace have already commenced at Paris" and proposed a "speedy Exchange" of prisoners, are in *PCC*, item 152, 10:665–71. They were referred on August 9 to a committee consisting of Arthur Lee, John Rutledge, and John Witherspoon, whose recommendations were adopted by Congress on the 12th and forwarded to Washington in a letter of the same date from secretary at war Benjamin Lincoln. These directed the publication of Carleton and Digby's letter, but underscored its unofficial standing and warned the states against relaxing their exertions against the enemy, while authorizing Washington to enter negotiations "to settle forthwith a general cartel for the exchange of prisoners." See the preceding entry. For Washington's response to Congress' August 12 resolves, and request for additional instructions, see Hanson to Washington, September 1, 1782.

² These enclosures—Nathanael Greene's July 13 and 14 letters to Congress, Anthony Wayne's July 11 general orders and June 24[25] and July 12 letters to Greene, and a June 25 casualty return—are all in the Washington Papers, DLC; and *PCC*, item 155, 2:485–514.

James Madison to Edmund Randolph

Dear Sir

Philada. Aug. 13th 1782

The post is come a second time without a line from you. From a letter from the Presidt. of Wm. & Mary, I infer that you are more *profitably* employed.¹

I transmitted to you a few days ago by express the contents of a letter from Genl Carlton & Admiral Digby to Genl Washington, announcing the purpose of the British court to acknowledge the Independence of the 13 Provinces. Our expected advices on this head from Europe are not yet arrived. A Mr. Blake an opulent Citizen of So. Carolina² who came from G. B. under a passport from Mr. Laurens to New York & thence hither assures us that the Administration are serious with respect to peace & the independence of this Country, that the point however was carried in the Cabinet by a majority of two voices only—that their finances are so disordered that a continuance of the war is in a manner impracticable—that the Militia at N. York have been thanked for their past services & told explicitly that they would not be wanted in future—that the evacuation of the U. S. will certainly take place this fall & that a large no. of transports are coming from England to remove the B. Garrisons, probably to the W. Indies—that these transports will contain about 2500 Germans who it is supposed in case of such an evacuation will have the same destination—that Carlton told him & desired him to mention it at large that he was a real friend to America, and wished her to be powerful, rich, united & happy, and secure agst. *all* her Enemies—that he also intimated in the course of conversation that Canada would probably be given up as a 14th member of the confederacy. You will draw such conclusions from these particulars as you think fit. The Gentlemen of So. Carolina³ vouch for the veracity of Mr. Blake. It appears to me much more clear that the Ministry really mean to subscribe to our independence, than that they have renounced the hope of seducing us from the French connection.

The motion for revoking the {power given to France has been made again and pushed with the}⁴ expected {earnestness} but was {parried and will} issue I {believe in} an {adoption of your report} with a representation thereupon to the {court of France}.⁵

The Controversy between Connecticut & Pennsylvania is a promising train for adjudication; The Agents having agreed on the Commissioners to whom it is to be submitted.

Among other means of revenue the back lands have on several late occasions been referred to, and at length recommended by a Grand Committee to the Consideration of Congress. A motion for assigning a day to take up the report, was {negated by a small majority}. The

report has been {repeated} by the {committee} but a second experiment has not been {made in Congress}.⁶ Several of the middle {states seem to be facing about. Maryland} however preserves its wonted {jealousy and obstinacy}.

In compiling the evidence of our title, I suppose you will of course be furnished with all Mr. Jefferson's lights.⁷ I have lately seen a fact stated by him w[h]ich s[he]ws clearly the ideas entertained in Virga. with respect to her territorial limits subsequent to the resumption of the Charter. In convention between Commissioners on the part of the Commonwealth of England & of the Grand Assembly of Virga. in 1651, by which the latter submit to the new Govt. it is stipulated that Virga. shall enjoy the antient bounds & limits granted by the Charters of the former Kings & that a new Charter shall be [sought?] from the Parliament agst. any that shall have intrenched [up]on the rights thereof.

I forgot to mention to you by the last post that as Congress have adopted a scheme of settling the Accts. of the several Departments and of the Hospital among the rest by an itinerant Commissr. specially appointed for each, the Accts. of your friend Dr. Carter can not be audited here, and must be sent back to him.

We have no very recent intelligence from the French Squadron. They are probably bearing towards Boston whither it is the current opinion that they are destined. It does not appear that they have as yet made any prizes, except a recapture of a Frigate which had Struck to the Sta. Margarita, a British-Spanish Ship of superior force.

You will observe that I venture more tha[n . . .] with respect to uncyphered comm[uni]cations. To this I am led not only by a scarcity of time, but by the diminution of the danger occasioned by the apprehension of 13 or 14 of the gang of Mail robbers who are now in the gaol of this City.⁸

RC (DLC: Madison Papers). In Madison's hand, though not signed. Madison, *Papers* (Hutchinson), 5:49–50.

¹ See *ibid.*, pp. 16–17n.3.

² That is, William Blake (1739–1803) of "Newington."

³ South Carolina delegates John Lewis Gervais, Ralph Izard, Arthur Middleton, David Ramsay, and John Rutledge.

⁴ Words printed in braces in this text were written by Madison in the official Virginia cipher.

⁵ See Charles Thomson's Notes of Debates, August 8, 1782; and Madison, *Papers* (Hutchinson), 5:33–36, 53–55. For "your report," see *ibid.*, p. 22n.13, and Charles Thomson's Notes of Debates, August 16, 1782, note 2.

⁶ For the vote that "negatived" scheduling debate on the grand committee's July 31 report on the Connecticut, New York, and Virginia cessions of western claims, see Charles Thomson's Notes of Debates, July 31, 1782, note 3. There is no mention in the journals when the report was "repeated."

⁷ See Madison to Randolph, March 18, 1782, note 6.

⁸ See Theodorick Bland to St. George Tucker, August 9, 1782, note 3.

Edward Telfair to Samuel Stiles

Dear sir.¹

Philadelphia 13th Augt. 1782.

I am duely favored with your Letter from Portsmouth, enclosing one to Mrs. Stiles, which to my great mortification did not go in the Flag. Notwithstanding it Came to my hands the day before her departure, and when I went to the wharf, she had Sailed some hours with a fair wind, so that the opportunity was lost.

I went on board of her some days before the receipt of your Letter to enquire after Mrs. Stiles & family, and from a Young man on board, I was informed they were all well about a month ago. I told him you were well and in Virginia, and gave a direction and requested the Captain to call on me, and that I would write Mrs. Stiles, which made me conjecture I should not loose the opportunity.

From every information we have the best reason to conclude, that a Negociation for peace is now on foot at Paris, and from every appearance, there is reason to conclude it will take place—insomuch am I satisfied in this measure as to hazard an opinion, that the chance is against your building a Vessel constructed for the present commerce if you have not gone to far, or can make a saving Sale, in my Judgment, it would be adviseable, at this conjuncture.

I have wrote Mr Pringle² to deliver to you at Baltimore one ton of Bar Iron. Pray, let me hear from you. I hope soon to be relieved by some new hands coming on when I must think of doing something.

I remain Dr. Stiles, Your very Obt. St. Edwd. Telfair

RC (NcU: Mackay-Stiles Papers).

¹ Samuel Stiles (1737?–1808), a Bermuda native, was a Georgia merchant and ship owner, who had previously been captured by the British while importing military supplies.

² Telfair's letter to Mark Pringle has not been found.

Virginia Delegates to Benjamin Harrison

Sr.

Philadelphia Augt. 13th 1782

We have been honord with your Excellly's of the 1st Augt. 1782.¹ We have taken the liberty of conversing with the Secy. at War on that part of your letter, concerning the Works at York Town. That Gentn. expressd his surprise at the misinformation, you must have receivd of his Conduct in the affair—and with a wish to undeceive you has favord us with a Copy of the instructions, he gave concerning the Works together with a letter addressd to us on the Subject, both which, we have the honor of enclosing to your Excellly.²

No Material event has taken place Since we had the Honor of writing to your Excellly. by Express, when we informd you of a letter

received from Sr. Guy Carleton and Admiral Digby, directed to Genl. Washington, Containing information "that Mr. Grenville was actually commissiōnd as plenipo. for adjusting a Plan of a Peace with the Bel-ligerent Powers, and was actually at Paris when the packet saild—and that the King of great Britain had orderd his ministers to instruct him to offer Independency to the *thirteen Provinces* in the first Instance, and not as a condition of the treaty—relying however with Confidence that the Property of the *Loyalists* would be restored to them in America."

Congress has orderd this letter to be publishd with their sense on its contents, which we hope to have the pleasure of transmitting to your Excellcy. in the Paper we shall herewith enclose.³

What may be the Issue of the negotiation for a Peace, which we have every reason to believe is now on the Tapis, we will not venture to predict—But we cannot help thinking—that the Preliminary offer above mentiond, however it may be intended by England, will have a favorable effect on our affairs, as it seems to remove the Principal Barrier, which has hitherto prevented some of the powers of Europe from recognizing us as an Independent Nation—viz the Apprehension of giving Umbrage to England, by such an Interference, where by they wd. have departed from their Neutral & Mediatorial Characters.

We are Informd, that great confusion prevaild among the Tories within the Enemies lines, immediately on the news, above Mentiond, transpiring, and it is not improbable but that the ferment it has occasiond among them, may end in Measures by no means advantageous to our Enemies. The American Army continues at its former Station⁴—the French at Baltimore, and the Fr. Fleet under the Command of the M. de Vaudreuil off this Coast—where he waits to Protect the trade and to afford a Convoy to such Vessels as may be ready to sail in a short Time, of which Your Excellcy. has no doubt been apprized—by the French Admiral.⁵

It is with pleasure we inform Your Excellcy. that an atrocious and dangerous band of Robbers, some of whom have been concernd in robing the two last mails that were taken, and in various other enormities, have been secured in this and the neighbouring states, to the Amount of above thirty, and are now in close Goals—this we hope will give security to future communications as tis said nearly the whole of those concernd who formd a line from N. York to Maryland have been discoverd and taken. We doubt not of your Excellency's having receivd satisfactory accounts of the Evacuation of Savannah of which Congress receivd yesterday Authentic information.⁶

We have the Honor to be Yr. Excey's most obedt. & very Humb. svts

J. Madison Jr

Theok. Bland Jr.

A. Lee

P.S. Since writing the above find that the Publication therein mention, is not yet in the Paper but shall endeavor to procure a Copy of it.⁷

RC (Vi: Continental Congress Papers). Written by Bland, and signed by Bland, Madison, and Lee. Madison, *Papers* (Hutchinson), 5:45–47.

¹ See *ibid.*, p. 6.

² Benjamin Lincoln's July 20 instructions to Capt.-Lt. Isaac Guion on the disposition of the Continental stores and works at Yorktown are in the *Cal. of Va. State Papers*, 3:224–26; his August 12 letter to Theodorick Bland is in the Continental Congress Papers, Vi.

³ See note 7 below.

⁴ That is, north and west of New York City.

⁵ For Harrison's comments on the French failure to "protect the trade," see Madison, *Papers* (Hutchinson), 5:74.

⁶ See John Hanson to Washington, this date, note 2.

⁷ The Carleton-Digby letter and Congress' August 12 resolutions were published in *Freeman's Journal* and the *Pennsylvania Journal* of August 14 and the *Pennsylvania Packet* of the 15th.

James Duane to George Clinton

Dear Sir,

Philad. 14th Aug. 1782.

I shall do myself the Honour of writing to your Excellency by Mr. Walter Livingston in a day or two.¹ I, therefore, only embrace the opportunity by the post to transmit the interesting Intelligence in the publick papers lest you should loose a moment of the pleasure which ought to be diffused on the prospects opening to our View.

The true point in which they are to be considered, is containd in the Act of Congress on the Letter from Sir Guy Carleton & Adm'l Digby, as we have no Inteligence from our Commissioners. It is daily expected and I shall not fail to transmit what may be in my power & without Delay.

In the mean time I sincerely congratulate your Excelency on the present glorious prospects. It may be clouded for a time by the Claims and Views of the belligerent powers; but we may, with submission to Heaven, I expect, that our utmost Expectations of Peace, Safety and Independence will be gratified.

With Compliments to Mrs. Clinton and the utmost Repect and personal Attachment to your Excellency, I beg leave to spare you that, I am, Dear Sir, Your Affect & most Obed huml Servt

P. S. We are not hon'd. with a Line since the rising of the Legislature, but from my good Friend Col. Benson to whom I beg leave to convey my particular Regards.

Reprinted from Clinton, *Papers* (Hastings), 8:30–31.

¹ See Duane to Clinton, August 20, 1782.

John Hanson to Philip Thomas

Dear Doct.

Philadelphia Augt. 14th 1782

Yours of the 4th is Come to hand. I wrote you on Saturday last which went by a man going to Frederick. I did not write by the last post as Colo Wood was to Set out from hence for Frederick in two or three days. Two flags are arived here and two it is said is gone to Boston from England with American prisoners, to the amount of about 1200 to be Exchanged.¹ I am Still afraid that the designs of the Enemy in acknowledging our Independance by their minister for negotiating a peace at Paris are delusory. The manner in which it has been communicated to Congress with other Circumstances induce that opinion. I hope my Countrymen will be too wise to depend much upon it. Time will discover their real intentions. I inclose you the papers. I Congratulate you on the evacuation of Savannah, a prelude perhaps to the Enemys abandoning Charles Town also. When the Enemy withdraw their forces from the Continent I Shall believe they are in Earnest about peace but not till then. We are well. God bless you & the Children.

[P.S.] 1 pair Silk Stockings & 1 yd. Cambrick by Colo Wood, which should have gone by the former opportunity.

RC (MdHi: Hanson Letters). In Hanson's hand, though not signed.

¹ See Jesse Root to Jonathan Trumbull, August 7, 1782, note.

North Carolina Delegates to the Chevalier de La Luzerne

Sir,

Philadelphia, August 14, 1782¹

We observe with the utmost satisfaction, that the General Assemblies of almost every State in the union, have been pleased to assure you, and through you to assure his Most Christian Majesty, of the sincere pleasure they have received from the birth of an heir to the Crown of France.

The General Assembly of North-Carolina, are among the few who have not addressed you on this auspicious occasion; but they would be wounded by the most transient suspicion, that such delay had arisen from the want of gratitude or affection for his Most Christian Majesty. It was their misfortune, that during their last session, in April, they had received no official information of the birth of a Dauphin, wherefore they could take no public notice of that fortunate event; but fame had circulated the intelligence—it was universally believed; and we beg leave to assure you from our own knowledge, for we attended dur-

ing the whole sitting of the Assembly, that the pleasing report of the birth of an heir to the Crown of France, was received with the most cordial pleasure by the citizens of North-Carolina; it filled every countenance with joy, and every heart with gladness: Every man found himself personally concerned in an event which contributes so much to the happiness of a people they esteem, and a Monarch they will constantly revere.

We request you would do us the justice to believe, that the citizens of North-Carolina will not fail to pray, that the Supreme Ruler of the Universe may prosper and preserve the Dauphin and his royal parents; for we are fully convinced, that under God we are indebted for our early deliverance, the preservation of our liberties and establishment of our independence, to the generous interposition of his Most Christian Majesty, and the persevering valour of the French nation.

We have the honor to be, With the utmost consideration and esteem, Your most obedient, and very humble servants.

Hugh Williamson,

William Blount,

Delegates in Congress from
the State of North-Carolina.

Reprinted from *The Pennsylvania Gazette*, August 21, 1782.

¹ Although a French transcript of this document in the Archives du Ministère des affaires étrangères: Correspondance politique, États-Unis, Supplement, vol. 22, bears the heading "Presentee le 8. Aout, 1782," it is clear that the delegates presented this address to the French minister this day. See North Carolina Delegates to Martin, August 18, 1782, note 2, and January 25, 1783. For Congress' earlier recognition of the birth of the dauphin, see Charles Thomson to Robert R. Livingston, May 10, 1782.

John Rutledge to Horatio Gates

Dear General,

Philadelphia August 14, 1782

The resolution of Congress directing that an enquiry should be made into your conduct in the Campaign of 1780, has this day been repealed by a vote of every state present (ten).¹ The evidence before the committee which gave such unanimity to the vote, came from men the most honorable and the most capable of judging, Gen. I. *Huger*, Gen. Stevens, Major *T. Pinckney*, and *Col. Marion*, &c.² The first, third and fourth of these gentlemen shewed, that the movement made by you on Camden, was made on information *given by them* of the weak condition of that post, the certainty with which (had it not been unexpectedly reinforced) it would have been taken, and the important consequences that would have followed to the army and the state, from the capture thereof. And further, that the movement was not only a proper one under the view already taken, but indis-

pensable to the safety of Gen. Caswell and the North Carolina militia, who had by some misdirection, or want of judgment, placed themselves in your front and in a position most perilous. Of your order, march, and battle, and your personal *bearing in the action and endeavors to rally the flying militia*, they speak in terms the most favorable, and lastly, that when the *heads* of the two armies met in the night, and a prisoner gave information that Cornwallis was present with a large regular force, you called a Council of War and submitted the question, whether thus advised, it would be proper to retreat? When neither Baron de Kalb, General Smallwood, General Caswell, General Guest, or General Stevens advised to the measure, and that the latter, considered and declared, the capture and information of the prisoners as a ruse of Rawdon to escape an attack. To this statement, I have but to add, that from the beginning of your suspension to the present day, no charges against you have been exhibited, nor has any person appeared as prosecutor or witness, either to Congress, to General Washington, or to General Greene. Wishing you health and happiness I am &c.

J. Rutledge.

Tr (NN: Bancroft Collection).

¹ Although several motions for rescinding the resolution of October 5, 1780, had been defeated in 1781–82, Gates appealed to Congress once again on August 5 for “that Justice which I expect from their Equity” and his case was assigned to a committee, consisting of Ezekiel Cornell, Arthur Lee, and John Rutledge, which reported in Gates’ favor on August 9 and again this day. See *JCC*, 23:465–66; and *PCC*, item 19, 2:403–4, item 154, 2:369–70, item 186, fol. 47. In a letter to Congress of August 24, Gates vowed to remove by his future conduct “every unfavourable Impression given of me for Two Years past, by Enemies of every kind,” and announced his intention of “going to Virginia, where I shall prepare for taking the Field, as the Commander in Chief shall direct.” On August 27 Washington ordered Gates to join the main army at Newburgh. See *PCC*, item 154, 2:365–68; and Washington, *Writings* (Fitzpatrick), 25:68, 84–85.

² That is, Brig. Gen. Isaac Huger, Maj. Gen. Edward Stevens, Maj. Thomas Pinckney, and Col. Francis Marion.

John Witherspoon to William Livingston

Sir

Philadelphia Aug. 14. 1782.

I sent you by Col. Hooper a short & general Acct of Sir Guy Carlton & Admiral Digbys letter to Genl Washington though with little Doubt that you would know the whole before that Time. Inclosed is the News Paper of this Day with the Resolves of Congress upon that Subject.

I have lately pushed with great Earnestness to bring on the Matter of the back Lands in which our State are so much interested & in which I believe your Excellencies Opinion very strongly concurs. We have succeeded so far as to have the Matter twice recommended by the

Grand Committee to Congress. On the first Report of having it taken up there are 6 for it, 2 against it 2 divided so that it was only put off by the Rule of the House which requires 7 States to agree on every Question.¹ From this you will perceive that we may easily have it brought on in Congress, but we have put it off till Maryland shall be represented which we expect soon. I shall be desirous to know your Excellencies Opinion whether we should agree to accept of the Cessions of N. York, Connecticut and Virginia in the mean Time provided that we can rid ourselves of the unreasonable Conditions annexed to the Cession of Virginia & keep the Door open to call for further Cessions from the other Southern Colonies—or if we should insist upon the Right of Congress to fix the western bounds of every State. The Reason why I have proposed this Question is that I think the first of these might be carried but I have much Doubt of the other being carried through. Though I have some Expectation of seeing your Excellency next Week at Examination yet as this is uncertain I should be glad to hear from you on the above Subject.

There is not the least Certainty in the many Articles of News from the English Papers.

I am Sir Your Excellencys most obedt, humble Servant

Jno Witherspoon

RC (NN: Livingston Papers).

¹ For the rejection of Witherspoon's motion to schedule debate on "the cessions of Connecticut, New York, and Virginia," see Charles Thomson's Notes of Debates, July 31, 1782, note 3.

John Taylor Gilman to Meshech Weare

Sir

Philada. 15th Augst. 1782.

In my Letter of the 8th Instt. I Mentioned that Sr. Guy Carleton had Informed Genl. Washington that Adml. Digby, with himself were Appointed Commissrs. for making peace, & that the Commission was receiv'd by a late Packett.

It now appears that, that Letter was Misunderstood. It was from this Expression that they had received Information as Commissrs. for making peace &c.

I Inclose you a Paper In which you will see Copy of their late Letter to Genl. Washington, with the Resolutions of Congress Annexed, have not any Information respecting this business, more than is Contained in the News-papers. The latest accounts from any of our Ministers in Europe was of the 28th of April. It is somewhat Extraordinary that there is not later Accounts from any of them. Our Prisoners are

released from the Goals in England & some of them have Arrived here, but have nothing Official from Europe respecting this matter. The Conversation of the Day is a General Peace, but I fear the Enemy Intend a Seperate One, first with Holland & then with America, but they will be much disappointed if they Expect a Seperate Peace with America. Hope a few Days will give further Information in this business.

The Enemy have Evacuated Savannah by which our Friends in that Quarter are much relieved.

Congress have passed Resolutions for Reducing the number of Officers in our Army, Suppose they are Transmitted you by the Secretary at War.

I have the Honor to be, Your most Hum. servt.

John Taylor Gilman

RC (MHi: Weare Papers).

Charles Thomson's Notes of Debates

Thursday, August 15th. [1782]

The Com^{tt} appointed on the 8th to take into consideration and report the most advisable means of securing to the United States the several objects claimed by them, and not included in their ultimatum for peace of 15 June, 1781, reported as their opinion:¹ "That the Com^{tt} to whom was referred the report of a previous Com^{tt} relative to the said claims, be instructed to deliver over to the Sec^{ry} for Foreign Affairs the materials which they may have collected in support thereof, and that the said Sec^{ry} perfect & transmit the same to the Ministers Plen^{ry} for negotiating peace, for their information & use; provided that nothing which shall be done by virtue of this resolution shall be construed to affect any dispute which now does, or may hereafter exist between individual States, or between the United States & individual States. That the Min. Plen. for negotiating peace be instructed to communicate to his M. C. M.² so much of the facts & observations so transmitted, & in such form as they shall judge fit, representing to his M^y that Congress have caused the same to be compiled & laid before him, under a persuasion that he will find therein such clear proofs, both of the validity and importance of all their claims, as will silence any pretensions by which they may be opposed. This representation of the grounds of the said claims was rendered the more essential on the part of Congress by the extreme solicitude of their Constituents, with regard to those objects, and by the ardent desire of Congress, not only that this just solicitude should be eventually satisfied, but that it may be found that every useful precaution had been taken to that end; that the favourable circumstances under

which a negotiation is likely to be carried on, afford additional confidence that the issue will not disappoint the expectations of the U. S., nor the zeal with which his Ma[jest]y has assured them he shall support their interests; but, on the contrary, that the magnanimity and wisdom which led his Ma[jest]y into the war in their behalf, and which have marked his conduct through the course of it, will appear with fresh lustre in the act by which it is to be terminated, and that the alliance and amity which have been cemented by the mingled blood of the two nations, will derive still further stability from the final attainment of the just demands of both of them."

Mr Bland objected to the first part, he wanted to see what the Committee had prepared before he gave a vote for referring it to the Secretary for Foreign Affairs.

Mr Jones had no objection against the papers going into the hands of the Secretary for Foreign Affairs, but he should be ordered to report thereon, and not to transmit anything to the Ministers, for negotiating a peace until it had received the approbation of Congress.

Mr Madison said it was the design of the Com^u that Congress should give no opinion or judgment in the matter. That the papers should go to our Ministers merely as information, not as instructions; that this would not be the case if Congress decided thereon, or even if the Secretary for Foreign Affairs laid before Congress what he proposed to transmit. For by the instruction of the office for foreign affairs papers going in that way from the Sec^y for Foreign Affairs to our Ministers abroad were to be considered as acts of Congress & binding on the ministers, whereas the letters and papers from him to them which were not submitted to the view or consideration of Congress were only to be regarded as mere private opinion and information, by which the conduct of the Ministers would be influenced no farther than their judgment directed.

MS not found; reprinted from *NYHS Collections*, 11 (1879): 106–8.

¹ For the background of this day's debate and the James Madison committee report which follows, see Thomson's *Notes of Debates*, August 8, 1782; *JCC*, 23:468–69; *PCC*, item 25, 2:125–26; and Madison, *Papers* (Hutchinson), 5:53–55.

² That is, Most Christian Majesty.

James Duane to Philip Schuyler

Dear General

Philadelphia 16th August 1782

I shoud sooner have done myself the Pleasure of writing to you had any better Conveyance offered than the *Post*. Twice *in that way* I have furnished Amusement for the Garrison of our Capitol which was much more than they had any Claim to from me. Indeed they do not seem to think my last intercepted Letters sufficiently entertaining to

deserve a place in their Gazette. This will be Committed to the Care of our worthy W Livingston, and I trust it will get safe to your Hands, tho' not soon enough to give you the first Intelligence of late Events which are the Subject of general Speculation.

You will see in the papers the interesting Letter from Sir Guy Carleton and Admiral Digbey as Commissioners of Peace to General Washington. You will see too the Opinion of Congress on that Communication, and that they have received no Intelligence touching Propositions for peace from any of their ministers. We know indeed that some negociation is commenced at Paris: because we have certain Information that Mr Jay has repaired thither from Madrid. The people of England collectively, we are well assured, are heartily weary of the American War which they look upon as a Scourge and a Curse. The present Ministry, at least a Majority of them, we know were violently opposed to this war before they got into office. We know that they have used every Argument since they assumed the Administration, to impress on the Nation an Apprehension of Danger, and a deplorable Idea of their Finances and Prospects. We are told that Lord Stair has presented an Estimate by which it is demonstrated that their peace Establishment will amount to 13,000,000 Sterling yearly: And that lands have actually fallen from 30 to 20 years purchase.

But after all these Circumstances are considered they do by no means Justify a Relaxation of our Efforts to compell the Enemy to quit the Country. While they retain their present Posts and are in force, we are bound to push our Operations with the utmost Vigour.

It is singular that even by the latest Debates of Parliament the Idea is not lost that America may be induced to accept an Irish instead of an absolute Independance; and some are of Opinion that the *former* is the Independance which their plenipo. Mr. Grenville is authorized to propose. It woud be astonishing indeed if, after all their Experience, they shoud attempt so vain and absurd a Delusion; which coud only expose them to Odium, and increase the Breach which they pretend to be Solicitous to repair.

You will readily conceive of our Solicitude to hear from our own Ministers which will alone enable us to clear up all doubts; and to form Conclusions on Just Grounds.

In the mean time I congratulate you on the Evacuation of Georgia. By the last Accounts, the Enemy had retired to Tibee a small Island in the Neighbourhood of Savannah. I am of opinion they will not long retain their post in Charles Town: it ceases to be an Object unless they maintain constantly a naval Superiority in the American Seas. There are other Reasons, tho' not conclusive, which Justify this Expectation.

You have been informed of a small provision made for Col. Ja. Livingston shortly after my arrival here.¹ It is all I coud at present procure for him. Present my Compliments to him & let him know that I

will answer his last Letter if I can get leisure; and that in the mean time I cannot think it worth his while to make an expensive Journey to Philadelphia, as I am very apprehensive it will not be productive of any advantage.

I now, my dear Sir, turn to your very friendly Letter of the 25th of July. There are circumstances attending my Appointment to the Senate which I ought to consider as honorable; and my being continued at the same time as a Delegate calls upon me to express a high Sense of the Confidence reposed in me by my Country. I hope my Zeal and feeble Efforts for her Service and Glory will not altogether disappoint the Expectations of the Legislature. You know my wish to have you near me for the pleasure I enjoy in your Friendship and Conversation, and because your Ability, Experience and Reputation fit you for the most arduous Employments, and in a peculiar manner for a participation in the general Government of these States: But since your Health does not admit of it, the next best Object which I have long had in Contemplation, and have lost no Opportunity in promoting, has to my very great satisfaction taken place. I mean the election of my ingenious and worthy Friend Col Hamilton to the Vacancy which your Resignation occasioned.² I shall now, with the utmost Confidence of an able Representation, look forward to the Period when my Country will permit me to attend to my shattered fortunes, and domestic Enjoyments.

I observe with pleasure the Steps taken by our Legislature to aid the Finances and strengthen the general Government. They are spirited and wise. It was not till this day that they were officially communicated to Congress and they were immediately referred to a Grand Committee.³

I feel so much the want of the money expended to supply the Deficiency of my Support from the Legislature that your Information on this Subject gives me real pain. I am in danger of being destitute of the means of being decent and comfortable even in the Article of Dress. But why should I give you disquiet by dwelling on an Incident that is not at present to be remedied?

The Assistance you expect from me in Senate you greatly overrate. Every Effort however in my power shall be faithfully employed on the particular subject you mention; because I know it to be essential to our tranquillity and Safety.

Alass poor Tryon County! What uncommon Scenes of Calamity has she sustained; and what Evils may she not yet apprehend! Believe me, Sir, I am distressed for her beyond Expression. Is it impossible to protect the scatterd Remains of this once flourishg district? I once hoped it was not. Congress on the first Intimation chearfully supplied the new Levies with Cloathing and every thing promised by the original Stipulation; so that they are in all respects on an equal Footing with the Continental Battallions. They have also called for an Estimate of what will be necessary for the Oneidas &c⁴ being resolvd to reward

their Fidelity and encourage their Zeal and Exertions against the common Enemy. If any thing further can be done it ought not to be neglected. To support our Fellow Citizens on that exposd Frontier is a first Duty. I find that you still labour under Infirmities which requires an uncommon degree of Patience and Fortitude to sustain. These happily for your Friends are Virtues which distinguish your Character. You have my earnest wishes that your Health may be restored and your useful Life prolonged for the Consolation of your Family and the service of your Country. I cannot part with the pleasing Idea that we shall yet spend many happy Hours in Social Enjoyments and mutual good offices; and talk over the Dangers we have encountered in the Retreats which we have contemplated with so much Satisfaction. When our Country is possessed of all the Blessings of peace and Safety, may we not hope that there will be a portion of Happiness reserved for her virtuous Citizens who have stood foremost in the Hour of Danger and drank freely of the Cup of Distress and Anxiety! I will indulge the Thought! Adieu my dear Friend; and believe me to be with unabated Regard and Affection, Your most obedient, humble Servant

Jas. Duane

[P.S.] The Governour writes me that Mr. Lhommedieu will speedily relieve Genl Scott. Col. Hamilton will be prepared to set out in the Fall to give me a Requiem.⁵ I shall with great pleasure present him to Congress & the Circle of my Friends & leave nothing unattempted to make him happy in himself & [. . .]able to the Community as far as will depend on the most favorable Impressions of his Virtues & Capacity.

RC (NN: Schuyler Papers).

¹ Congress had resolved on June 24 that James Livingston "be permitted to draw from the contractors at Albany daily, five rations of provisions for the support of himself and family." *JCC*, 22:345.

² Alexander Hamilton was a member of the new delegation (with Duane, William Floyd, Ezra L'Hommedieu, and John Morin Scott), appointed by the New York legislature on July 22 to represent the state in Congress "for one year, from the first Monday in November, 1782." *JCC*, 23:750-51.

³ The July 21 and 22 fiscal resolutions of the New York legislature enclosed in Gov. George Clinton's August 4 letter to Congress were read and referred to the grand committee on the public credit this day. See PCC, item 59, 2:219-23, item 78, 6:139-42, item 186, fol. 38; and PCC, Miscellaneous Papers, M332, reel 5, fols. 723-26. For the legislature's resolutions to "strengthen the general Government," see Ezra L'Hommedieu to George Clinton, September 11, 1782, note 2.

⁴ Duane may be alluding here to Congress' August 20 resolution on clothing "the Indians in our interests" (*JCC*, 23:525), in which case he could not have concluded this letter before the 20th, the day he also wrote to Gov. George Clinton by Walter Livingston.

⁵ Ezra L'Hommedieu resumed his seat in Congress on August 28; Alexander Hamilton assumed his on November 25. Duane and L'Hommedieu then obtained leave of absence on November 27. See *JCC*, 23:533, 750, 755.

Charles Thomson's Notes of Debates

August 16th. [1782]¹

Mr Montgomery, one of the Committee to whom was referred a report of a Com^u on instructions to the Delegates of Massachusetts respecting the fisheries, informed the house that Mr Randolph, who had been the Chairman of the Com^u, had collected a number of facts and observations in support of the several Claims of the United States, not included in their ultimatum of the 15th June, 1781, that he had submitted them to the consideration of Mr Carroll another member of the Committee; that Mr Carroll had made sundry remarks and observations; that upon leaving Congress he had left Mr Randolph's state of facts and observations with him the only remaining member, & had requested him not to lay them before Congress until he returned and had an opportunity of finishing his remarks and stating his objections; that this was the reason why the Committee had delayed to report, but as the Committee which reported yesterday seemed to refer to Mr Randolph's "facts and observations," and sundry members had expressed a desire to see them, he had therefore laid them on the table with a report.² The report was read in the following words:

"The Com^u to whom was referred the report on instructions to the Delegates of Massachusetts, report that they have collected facts and observations herewith reported to Congress, which they recommend to be referred to the Sec^{ry} for Foreign Affairs to be by him digested, completed and transmitted to the Ministers Plenipotentiary for negotiating a peace for their information and use."

The facts and observations reported by the Com^u were then called for and ordered to be read.³

.....

When the Secretary had read to the end of the following clause.

"Thirdly, that if the vacant lands cannot be demanded upon the preceding grounds, that is upon the titles of individual States, they are to be deemed to have been the property of his Britannic Majesty immediately before the Revolution and to be now devolved upon the United States, collectively taken" (see the State of Facts & Observations, book A, p. 16, *ante*, p. 116):⁴ he was interrupted by Mr Bland, who moved, and was seconded by Mr Lee, that the clause be expunged. This brought on a long debate, in which many members spoke. The members of those States whose boundaries were fixed and determined supported the clause, those members whose States claimed territory to the Mississippi, or whose eastern boundary was undefined, opposed it. Mr Madison observed that the clause was imported for the purpose of reconciling all the States to the report, that though he was satisfied there was no solid foundation in the argu-

ment, yet he saw plainly if the clause was struck out sundry States would object to the rest of the report & therefore he should be for its standing. But he thought it improper that any vote should be taken.

Mr Bland insisted on a vote & called for the yeas & nays. Hereupon it was observed that the whole debate was out of order; that the report was reading for information not for debate; that the interruption & motion were improper and that no question could be taken until the whole was read through. To this it was answered that the objection should have been made sooner. To put an end to the debate an adjournment was called for and agreed to.⁵

MS not found; reprinted from *NYHS Collections*, 11 (1879): 108–42.

¹ There is no record of this day's proceedings in Secretary Thomson's journals. Most of the information found in this entry is recorded under the date August 20 in *JCC*, 23:471–522, which Gaillard Hunt printed from Thomson's secret journals. PCC, item 5, 3:696–740.

² The "instructions to the Delegates of Massachusetts respecting the fisheries" were embodied in a Massachusetts Act of October 27, 1781, which had been referred on November 17, 1781, to a committee consisting of Daniel Carroll, James Lovell, and James Madison. The committee's report had been debated and recommitted on December 12, reported again on January 7, and probably provided the occasion for William Ellery's motion the following day calling for an enlargement of the "ultimata for concluding a treaty of peace." Although Ellery's motion was rejected, the report on the Massachusetts instructions was referred the same day to a new committee consisting of Carroll, Joseph Montgomery, and Edmund Randolph, which is not mentioned again in the congressional records until August 5, when, because of the continued absence of Carroll and Randolph, it was revived and enlarged with the addition of James Duane, James Madison, Samuel Osgood, and Hugh Williamson. Montgomery's remarks preserved here by Thomson provide the final clue to the disposition of the committee's work. For the sources of this information, see PCC, item 74, fols. 189–92, item 186, fols. 4, 10, 17; *JCC*, 21:1166, 22:11; 23:471; and James Madison to Edmund Randolph, August 5, 1782, note 6.

³ The lengthy "Facts and Observations" which follow at pp. 109–41 in the *NYHS Collections* text, were printed in a somewhat fuller form by Gaillard Hunt at *JCC*, 23:482–522 as a composite text created from Thomson's secret journals (PCC, item 5, 3:696–740) and from Edmund Randolph's manuscript report (PCC, item 20, 1:91–140).

⁴ The reference is to *NYHS Collections*, 11 (1879): 116. The passage quoted appears also at *JCC*, 23:490 in Hunt's text.

⁵ For the continuation of these proceedings, see Thomson's Notes of Debates, August 20, 1782.

South Carolina Delegates to George Washington

Sir,

Philadelphia August 17th. 1782

We have received a Letter from Governor Mathewes,¹ informing Us, that Genl. Greene had Orders from your Excellency, in Case Charlestown should be evacuated, to put the Troops under his Command in Motion, & join the main Army, & that the Council of South Carolina were unanimously of Opinion, with the Governor, that the withdrawing these Troops would be attended with great Danger to the

State—therefore Enjoining Us, in the most positive Manner, to use our utmost Exertions, with Congress, & your Excellency, to obtain a Countermand of the Orders.²

We think it proper to make the Application immediately to you, instead of moving the Matter in Congress, as the Measure proceeded wholly from your Excellency, & We are satisfied that your Attention extends, equally, to each of the united States.

The particular Condition of Carolina is so fully described in Governor Mathewe's Letter, that We think it sufficient to transmit to your Excellency, (& therefore inclose) an Extract of such part of it, as relates to this Subject, with one Remark, that the Militia are in general unarmed, & the State is unprovided with Artillery or Ammunition.

We are persuaded that the Governors Reasons will induce your Excellency, either to revoke the Orders sent to Genl. Greene, or to give him discretionary power to keep, or leave, such a Number of Troops, in that Country, as, in his Opinion, may be requisite.

We request to be favoured with an Answer as soon as convenient, that We may communicate to Governor Mathewes, by an opportunity which will quickly offer, the Result of our Sollicitation.³ We have the Honour to be, with great Esteem & Respect, Sir, yr Excellencys most obdett Servts

J. Rutledge

A Middleton

Ra. Izard.

John Lewis Gervais

David Ramsay.

RC (DLC: Washington Papers). Written by Rutledge and signed by Rutledge, Gervais, Izard, Middleton, and Ramsay.

¹ An undated extract from Mathews' letter, in the hand of John Rutledge, is also in the Washington Papers, DLC.

² In a letter to Nathanael Greene of March 18, 1782, Washington had speculated that the British might evacuate the southern states in an effort to concentrate their forces in New York. Should such an event take place, he concluded, Greene should "immediately make preparations for the march of the Army under your command to the Northward. What troops shall in that case be left in the southern States will be a matter of future discussion." Washington, *Writings* (Fitzpatrick), 24:73–74. Aware of this long-standing directive, Gov. John Mathews had become alarmed during the summer months over the growing possibility of widespread anarchy and civil disobedience in South Carolina if British and Continental troops were withdrawn almost simultaneously and painted, in his letter, an alarming picture. Washington's September 2 reply to this urgent appeal from the delegates made clear that he had not anticipated "so disagreeable an occasion for a standing force after the removal of the enemy," but that he could not leave such a large Continental contingent in the South "without the concurrence of Congress," which he sought in a letter of that date to the Secretary at War. *Ibid.*, 25:105–7, 109–10. Benjamin Lincoln relayed Washington's inquiry to Congress on September 6 when it was referred to a committee of five, chaired by Rutledge, which reported on the 9th that Greene and his troops should not only remain in the southern department, but that Washington should "be directed to make the necessary enquiry into the circumstances of the southern states, and to employ such force therein as he may think proper." See *JCC*, 23:559–60; and *PCC*, item 186, fol. 52.

³ See South Carolina Delegates to Mathews, September 10, 1782.

North Carolina Delegates to Alexander Martin

Sir.

Philadelphia 18th August 1782.

We took the liberty to inform you on the third Inst. that with the desire, of placing the State we represent in a fair and respectable light, we had thought it our duty to publish an abstract of the late acts of the General Assembly in favor of Troops & Revenue.¹ The publication was very well received here, and we hope it met with your approbation. On the 14th Instant for a similar reason we presented an Apology or address to the Minister of France.² It is enclosed together with his answer, from the whole of which answer we apprehend you will conclude that the address especially in the critical season of presenting it, was by no means displeasing to the minister. In fact the particular circumstances of Public Intelligence had much weight in our determinations. Congress had just received the Letter which the British General seemed to circulate with avidity. It seemed to point at some desire to separate America from her Union with France; at this season we apprehend that we cannot be too attentive to obviate every probable cause of Jealousy in the Breast of our Ally who doubtless has served us faithfully. However it is not enough that the public at large should approve our Zeal to serve the State which we have the honor to represent, we are particularly solicitous to meet with the approbation of that State. With respect to the public, we observe with pleasure that they seem to think we availed ourselves of a very critical season to present an address which our duty called for. With respect to the State we have taken the risque fully on ourselves. If they should be pleased to approve our Conduct, they make the address their own.

We have the honor to be &c

Hu Williamson

Wm Blount

Tr (Nc-Ar: Governors' Letterbooks).

¹ See North Carolina Delegates to Martin, August 3, 1782, note.

² See North Carolina Delegates to the Chevalier de La Luzerne, August 14, 1782.

North Carolina Delegates to Alexander Martin

Sir.

Extract. Philadelphia 19th August 1783 [*i.e.* 1782]

It is our duty to inform your Excellency that the sending out [*prisoners*] to America at this Juncture is not by any means a clear proof of benevolence, it may with equal probability be passed to the acct of cunning; for the enemy wish & expect to get regular Soldiers in exchange for those people, many of whom are neither Soldiers nor Sailors.¹ There is certainly a disposition in the present English Ministry to excite among the people of America some desire of a separate

Peace. And we apprehend that nothing but vigorous & persevering exertions on our part to convince the enemy of our abilities to continue the *leaden* argument, will compel them to make those offers of peace seriously, which 'tis probable they are now making insidiously.

We have the honor &ca,

Hu Williamson

Wm Blount

Tr (Nc-Ar: Governors' Letterbooks).

¹ For the arrival of these prisoners, see Jesse Root to Jonathan Trumbull, August 7, 1782, note.

James Duane to George Clinton

Dear Sir,

Philadelphia, 20th August 1782.

Your Excellency's dispatches of the 5th Instant I had the honour to receive three days since; and have once more an occasion to express my grateful sense of your kind attention to my personal Concerns. I can only lament that the Sum I am in advance for my support here, inconsiderable as it is in itself, is so necessary for the Accommodation of my Family, that the delay of a reimbursement leaves me in a situation little short of actual distress.

The recent proof of the Confidence of my Constituents in electing me to the vacant Seat in Senate, deserves my grateful acknowledgments, and your Excellency will be pleased to accept my best Thanks for your Congratulations. I feel, with equal satisfaction, the Honour of being so uniformly entrusted with a place in the Delegation; as it is a high mark of publick esteem which I know how to value. But, however flattering to my Reputation, the Exercise of this last office, from domestic Considerations, is become painful and indeed next to impracticable; and I look forward with Impatience to the Period when I shall be able to decline it with the approbation of my Friends.

Col. Hamilton's Talents qualify him eminently for a seat in Congress, and his Appointment is a strong proof of the discernment of the Legislature. I am doubly pleased with it, as it may facilitate the Accomplishment of my wishes to be once more united to my Family after a separation of more than seven years.

The Measures taken by our Legislature to aid the Finances, and strengthen the system of Continental Government, will do them the most permanent Honour. The Act, on the last Subject, is under the consideration of a grand Committee;¹ & the dispatches for the States transmitted thro' their Delegates.

I hope, with your Excellency, for substantial benefits from Mr. Mont's (Montgomerye)² present Sentiments, whenever Congress shall

be prevailed on to resume the Vermont business: but the critical state of our publick affairs strongly opposes the Determination we have a right to expect. It seems to be a general wish, that a decision should be suspended until we can form a Judgement of the Views of the present British ministry which are involved in no small obscurity. The first Intelligence from our own ministers will unravel them. The Act which the Vermont (people) have presumed to pass, must injure them in the opinion of their best Friends in Congress; tho' I fear it may fall with a heavy weight on the Towns which retain their Attachment to our State.³

I feel most sensibly for our fellow Citizens in Tryon County. While the Enemy remain posted in Force at Oswego, we have nothing to expect short of total Desolation of the scattered remains of that once flourishing district. I do not trust myself with Reflections on this Subject which may be ill founded. I hope to enclose with these dispatches, an Act of Congress to give our new Corps the full benefit of the former Resolution in their favour.⁴ A report is made on the principles I wished and steps recommended for the more comfortable support of our faithful Indians.

We daily expect Mr L'hommedieu, when Mr. Scott will proceed homeward, his subsistence money being already expended. He will give your Excellency every Information in which I may be deficient. For the news of the day be pleased to be referred to Mr. Livingston.

I anxiously wish for Intelligence from our Ministers which may unravel the equivocal Conduct of the Enemy. While they profess an Intention to withdraw their Troops from this County, it is positively asserted that upwards of 1500 Hessians and 500 British are arrived within Sandy Hook in a large fleet of Transports, under Convoy of 6 Ships of the Line. While Sir Guy Carleton and Adm Digby write of Propositions for peace—officially publishg this Letter before it reached Congress—one of their ministers insults us in parliament with the offer of an *Irish* Independance. While their General calls aloud on the Americans to soften the Rigours of War and lay aside Acts of Barbarity which are disgraceful, & even proposes to set the Example, Tryon County is made a scene of Blood, Devastation & Wanton murders. While they irritate, provoke (and we have Reason to apprehend) chicane and deceive, they have the Effrontery to charge us with a want of Moderation and a Thirst for War; and to hold us up to the world as implacable Tyrants!

But I suspend the Indignation which is natural from such mysterious Measures. The doubts which perplex maybe yet be cleared up when this whole System is revealed. The British Mininstry may, notwithstanding present strange Appearances, be in earnest to pursue maxims, which out of office they avowed; which introduced them to power; and which are dictated by the general voice of the nation

which they govern. In short they may convince us that the accidental Victory which the too fortunate Rodney obtained over a part of the fleet of Count DeGrasse, and the transient Advantages in the Island of Ceylon, and on the Coast of Coromandel, have not made them *mad*.

Adieu, my dear sir, and continue to place among the most affectionate of your Friends, him who is with every sentiment, Esteem and Respect your Excellencys Most obedient & very humble Servant

Reprinted from Clinton, *Papers* (Hastings), 8:33–36.

¹ See Duane to Philip Schuyler, August 16, 1782, note 3.

² That is, Joseph Montgomery. See James Madison to Edmund Randolph, July 16, and August 5, 1782, note 7.

³ For further reports of Vermont's application of a "heavy weight" to the towns attached to New York, see New York Delegates to Clinton, September 21, 1782.

⁴ Duane sent Clinton copies of these resolutions (*JCC*, 23:524–25) under cover of the following brief letter the next day: "I have now the pleasure to transmit the Act of Congress in favour of our new Levies and the Oneidas which this moment received the Sanction of Congress. The Destitute Condition of the Southern Army in the Article of Cloathing was an Obstacle which we happily surmounted." Burnett, *Letters*, 6:450n.3, printed from a document in the Clinton Papers, N, copied by Burnett before the 1911 Albany fire.

John Hanson to Thomas Sim Lee

Sir:

Philadelphia Augt. 20th 1782

In Compliance with the request of the Council Contained in their letter of the 9th instant¹ I beg leave to acquaint you, that no other rules have been established by Congress for the Government of the navy of the united states, than those of the 28th November 1775, which you will find in the Journals of Congress for that year, and to which I take the liberty to refer you.²

With the highest esteem and regard I have the honor to be, Sir your Excellencys & honors most humble Servt.

John Hanson

N.B. Our State has been for some time unrepresented in Congress. Mr Wright returned last Evening.³

RC (MeHi: Fogg Collection).

¹ The Maryland Council's August 9 letter, requesting a copy of "the last [naval] Articles established by Congress" in order to comply with a recent Maryland law governing the conduct of "the Bargemen in the Service of this State" which subjected them to Continental regulations, is in *Md. Archives*, 48:230.

² See *JCC*, 3:378–87.

³ According to Secretary Thomson's journal, Turbutt Wright resumed his seat in Congress on Monday, August 19. See *JCC*, 23:470.

David Howell to Silas Talbot

Dear Sir.

Philadelphia 20 Aug. 1782.

Yours of 30 ult. came safe to hand with the enclosures. I have Spoken to Genl. Gates to interest himself in your favour. I am to wait on him at his Lodgings tomorrow morning at 9 O'Clock to concert measures for your benefit.¹ He is your friend and if any thing farther can be done for you my endeavours shall not be wanting; but Genl. Cornell thinks the papers you have sent will not authorize the Auditor to recede from his former determination.

I shall neglect no opportunity to apply for a command for you in the navy.² You may expect to hear from me as soon as your business shall have been determined.

Yours &c,

D. Howell.

RC (CtMyMHi: Talbot Papers).

¹ See Howell to Talbot, July 17, 1782, note.

² Ezekiel Cornell also wrote Talbot the following letter the next day explaining his recent efforts to secure Talbot a naval command.

"I have received your letter of the 29th Ult. I immediately applied to Mr. Morris who as agent of Marine has the direction of all Continental Ships and Vessels, he informed me that he had sent blank instructions to Mr. Russell of Boston with orders to him that in case circumstances would not permit Capt. Nicolson to proceed as commander of the Dean Frigate on her intended cruise to fill up those instructions to the oldest Capt. in that quarter and that notwithstanding his opinion of you was favourable yet he could not revoke the orders he had given." Talbot Papers, CtMyMHi.

James Madison to Edmund Pendleton

Dear Sir

Philada. Aug. 20th. 1782.

At the date of my last¹ I had little doubt that the post of this week would have conveyed you some further lights on the subject of negotiations for peace. A continuation of the silence of our foreign Ministers has disappointed me. The extreme length of this silence is very remarkable and distressing. The risks to which their dispatches are exposed will not explain it [?] without supposing them to have been peculiarly unfortunate.

Messrs. Carlton & Digby have made no further communications nor propositions. A Number of the Prisoners from the Goals of England have arrived here conformably to the intimation given in their letter to Gen Washington.

The Gazette you will find informs us that the French fleet has gone into Boston. It quitted its [stay?] about the Hook very unluckily a little before the arrival of the garrison &c. from Savannah.

I am Dr Sir yrs very affectionately,

J Madison Jr.

Reprinted from Madison, *Papers* (Hutchinson), 5:68.

¹ Madison's August 13 letter to Pendleton, which Pendleton acknowledged in his of the 26th, has not been found. See *ibid.*, p. 79.

James Madison to Edmund Randolph

My dear Friend,

Philada. Aug. 20th. 1782

In my last I informed you that the {motion to rescind the controul given to France over the American ministers had been parried and}¹ would probably {end in an adoption of your report}.² It was {parried by a substitute so expressed as to give a} committee sufficient {latitude in reporting without implying} on the part of {Congress a design to alter past instructions}. The composition of {the committee appointed according well with the object of the substitute a report was made that the expository report} should be {referred to the secretar}y for {foreign affairs} to be {by him revised and transmitted to the ministers in Europe and that the latter} should {communicate so much thereof as they} might {judge fit to his M[ost] C[hristian] M[ajesty] representing to him &c}.³

{In this train the business was going on smoothly} each of the {opposite parties seemingly concur}, from a {fear of something more distant} from {their wishes—when}

Mr. L——l.⁴ {The reading of} the {argument in favor} of {boundary drawn} from the {federal source} present[ed to Bland] a {snake in the grass}. This {jealousy was sup}port[ed by Lee by] suggestions {which pointed to Franklin}. The {arguments used by} these {gentlemen} raised {up the advocates} for the {federal pretensions} and the {merits of this question} were {altercated} with a {warmth which ended} in {an adjournment}.⁵ Nothing could have been more {fatal to the report than} to {connect this dispute} with it in the {mind of Congress} and I have no longer any {hope of its success}. I rather {surmise that a new struggle} will {ensue against the ob}no{xio}us {clause}.⁶

I am at a loss to account for the impenetrability of the cypher in my late letters, of which your favor of the 6th instant⁷ complains. I regret it too the more as I have since made liberal use of it.⁸ The rule I have observed has been to select the columes beginning with the several letters of the Key word, to arrange them in the same order in which the letters follow each other in the Key word and to use them in that rotation; always beginning afresh after the use of a word, syllable or letter written in the usual character, & often throwing in these characters merely to break a sentence or paragraph into parts, & thereby circum-

scribe the influence of an error. This explanation I hope will be satisfactory. The printed cypher of Mr. Livingston is too large for four sheets to be sent by the Post as you propose.⁹ If a private conveyance offers I shall embrace it.

Your very friendly attention to my pecuniary affairs lays me under a very great obligation. Nothing but the utmost distress will induce me [*to*] encroach on your Tobo. which I consider as possessing an intrinsic value too far beyond its immediate price to be unnecessarily disposed of. I inclose you an authority¹⁰ to obtain any aid which the Auditors may be able to afford. As my accounts already transmitted specify all the monies recd. prior to the 20th of March I am at a loss to understand why they cannot be settled up to that date at least. Is the depreciation to be liquidated by the scale established by Congress—by Pena. or by Virga.? I have recd. since that date £281.5. Pena. Currency, of Mr. Whitesides in consequence of arrangements made with him by Mr. Ross.¹¹

The stigma on “some of the U.S.” contained in the preamble to the Ordinance agst. collusive captures is a typographical erratum. It s[houl]d have run “some of the citizens &c.”¹²

I differ from Mr. L.¹³ in opinion that the Cession of Va. will be accepted. The repugnance to it seems indeed to have in some degree subsided, owing perhaps to a change of Members in Congress, and a cooler view of the subject, but in its present form I cannot think it will at this time obtain a sufficient number of votes.

Upon what *authority* was the condemnation of the flag vessel included in the decree agst. the contraband merchandize?¹⁴

I am not able to add a syllable to what I have heretofore written on the subject of Pacific negotiations. The silence of our Ministers in Europe is amazing, unless a miscarriage of their despatches be the cause of our not hearing from them. The Minister of France is in the same suspense as Congress. We have not yet recd. even a line from Mr. Adams notifying the resolution of the States Genl. in his favor, an event which we cannot suppose he would be backward to communicate. I inclose you from the Freeman's Journal of the 7th inst. a very curious letter from that Gentln. to his friend Mr. Searle which was taken with the Vessel from which the latter escaped in the Bay of Delaware & published in N.Y.¹⁵

I have no other information relative to the French fleet than what you will receive from the Gazette. It seems they very unluckily left the tract to N. York a little before the arrival of a fleet with the Garrison & Stores of Savannah.

The description you give of the drought in Virga. is equally suited to this Country since their Wheat Harvest. New Jersey & Maryland are under the same calamity. The States East of the North River have escaped this providential visitation.

RC (DLC: Madison Papers). In Madison's hand, though not signed. Madison, *Papers* (Hutchinson), 5:69–71.

¹ Words printed in braces in this text were written by Madison in cipher.

² See Madison to Randolph, August 13, 1782, note 5.

³ See *JCC*, 23:468–69; and Madison, *Papers* (Hutchinson), 5:53–55.

⁴ That is, Lovell, thus indicating that Madison had switched in this paragraph from the official Virginia cipher to the cipher provided by James Lovell, for which see Madison to Randolph, July 16, 1782, note 3.

⁵ See Charles Thomson's Notes of Debates, August 16, 1782.

⁶ Madison apparently drafted this letter before attending Congress this day, when Arthur Lee and Theodorick Bland renewed their attack. See Charles Thomson's Notes of Debates, this date.

⁷ See Madison, *Papers* (Hutchinson), 5:28–31.

⁸ That is, the Lovell cipher.

⁹ See Madison to Randolph, July 16, 1782, notes 2 and 3.

¹⁰ Not found.

¹¹ See the following entry.

¹² See Madison, *Papers* (Hutchinson), 5:31n.18.

¹³ Arthur Lee.

¹⁴ See *ibid.*, pp. 28–29.

¹⁵ John Adams' letter to James Searle of December 26, 1781, had been published in the July 10 issue of Rivington's *Royal Gazette*.

James Madison to Virginia Auditors

Gentlemen

Philada. Aug. 20th. 1782.

Since the 20th. of March last, the date of my acct. last transmitted, I have received from Peter Whitesides & Co. in consequence of orders from Mr. Ross £251.5. Pennsylvania currency.¹ All my previous receipts are stated in my accts. of previous date.² The scale of depreciation will reduce them to specie value. The time of my attendance on Congress is to be computed from March 20th. 1780. & the length of my journey hither at 260 Miles: as will likewise appear by my accounts formerly transmitted. As the Genl. Assembly have fixed a daily rate for the subsistence of the Delegates which I understand is to be retrospective as well as future in its application,³ you will now I presume be able to strike the balance due to me. I beg the favor of you to furnish Edmund Randolph Esqr. with a warrant on the Treasury for this balance for my use: or in case that cannot be immediately ascertained, for such sum on account as he shall apply for & will be within the probable amount of it.

I am Gentlemen with great respect Yr. obt. & hble servt.

J. Madison Jr.

Reprinted from Madison, *Papers* (Hutchinson), 5:72–73.

¹ In the preceding letter to Edmund Randolph this sum was correctly reported as £281.5. See also *ibid.*, p. 73n.3.

² See Madison to Thomas Jefferson, March 18, 1782, note 7.

³ The Virginia General Assembly had passed a simplified law in July allowing the delegates quarterly payments for past and future service of \$8 per day for attendance and travel time, freeing them from the previous requirement of itemizing their expenses. See Hening, *Statutes*, 11:31–32.

Charles Thomson's Notes of Debates

Tuesday, August 20th [1782]

The State of Facts and Observations was called for and read through.¹

And the report of the Com^u being amended to read: That the facts and observations reported by the Com^u be referred to the Secretary for Foreign Affairs to be by him digested completed and transmitted to the ministers plenipotentiary for negotiating a peace for their information and use. Motion was made by Mr Lee, seconded by Mr Bland, to amend it further by inserting, after the word committee, "except the following passage" 3 That if the vacant lands as before recited & except the following passage viz. "But if the vacant lands &c.," to "the common labours of the United States" inclusive (see Facts and Observations).²

Mr Lee supported the motion by observing, that the supposition was groundless and the reasoning upon it fallacious; that the claim to the western territory rested solely on the titles of individual states. That Congress had no authority but what it derived from the States. The States individually were sovereign and independent, and upon them alone devolved the rights of the Crown within their respective territories. Could the sovereignty of the Crown of G. B. devolve on the U. S. in Congress assembled, before such an assembly existed? What authority is there for that supposition; where is the sovereignty of the United States derived? Is it in the Confederation? Is it in the Treaty of Alliance? Does it really exist? Shall we put an argument in the mouths of our Ministers which they may use to their own advantage. It is well known that one of our Ministers is interested in the decision, having a Claim to some of the lands in question. That one of the Ministers of our Ally is likewise interested. If our Claim is supported solely on the titles of the States, they will be cut off from their intentions; if on the supposition that the rights of the Crown devolve on the United States collectively taken, their plea will be strengthened.

Mr Witherspoon, wished to have a question and the opinion of Congress without any further debate. The reasoning in the facts and observations went to this, that the Ministers in supporting our Claims to the Western territory, should first urge the titles of the several States. But if they failed in this they were then to urge the argument in the Clauses now excepted against. Whereas the spirit of the amend-

ments was that if our Claims could not be supported on the former ground they were to be relinquished & given up.

Mr Lee replied that the amendment was to take away an argument which our Ministers might use to their own advantage an argument which was groundless and fallacious; he called upon any gentleman to shew what foundation there was for it. None had attempted this. The reason was because it was not in their power. The Ministers ought to rely on solid argument This was to be found only in the titles of the States. If they were confined to these they would urge them with force, and he had no doubt they would prevail.

Mr Witherspoon said if there was any doubt that our Ministers would be unfaithful, let them be changed. If Mr Franklin, whom the gentleman alluded to, was interested, let him move for his recal, he would second him. The facts and observations, as they now stood, required that the Ministers should in the first place urge the titles of the several States; if these prevailed the end was obtained, and the argument in question would not be brought forward. But if arguments drawn from old Charters, Charters granted at a time when the extent and limits of this country were without Charters and Titles interfering one with another whose limits were so extravagant that it was thought proper to curtail them in a former treaty, if arguments from this source should be found to have no weight with the mediating powers & other powers in Europe, and this he believed would be the case, would any Gentleman wish to preclude our ministers from using an argument which would have weight, an argument drawn from general security, the force of which had been admitted in former treaties, and would be admitted by every disinterested power of Europe. The several States were known to the powers of Europe only as one nation under the stile and title of the United States. This nation was known to be settled along the Coasts to a certain extent; if any European power was admitted to establish colonies or settlements behind them, what security could they have for the enjoyment of peace? What a source of future wars! Was not this the principal argument urged by G. B. against France at the breaking out of the last war? Whether the uncultivated wilderness on the frontiers should belong to one state or another was a matter of little concern to the European powers. The only argument that would weigh with them was whether it was necessary for the security of the United States that other nations should be excluded from that country, and particularly G. B., the enemy of these States. He should therefore be against the amendment.

Sundry other gentlemen spoke and the amendment being insisted on and notice given by Mr Bland that he meant to call the yeas and nays, which would bring the whole of the facts and observations upon the journals, by which means Congress would be under the necessity either of resisting the whole or of amending & making them an act of

Congress, so that they would go as instructions and not merely as information, which was the thing intended; a motion was therefore made that the report be committed. And the motion for commitment being seconded, and having by the rules of the house a preference, was put and carried in the affirmative.

The Com^{ts} chosen were Mr Rutledge, Mr Duane, Mr Witherspoon, Mr Howell & Mr ———.³

MS not found; reprinted from *NYHS Collections*, 11 (1879): 142–45.

¹ See Thomson's Notes of Debates, August 16, note 3.

² The passages cited are found at *NYHS Collections*, 11 (1879): 138–39; and *JCC*, 23:516–17.

³ That is, [Joseph] Montgomery, in Thomson's "Committee Book," PCC, item 186, fol. 50.

Virginia Delegates to Benjamin Harrison

Sr.

Philadelphia Augt. [20?]¹ 1782

We have been duely hond. with your Excellys of the 8th Inst.² Since our last such a dearth of Intelligence has prevaild that not one Circumstance worth relating has reachd this place or Congress from Europe or elsewhere. We have only to Inform your Excellency that among the Prisoners arrived at this Place from Mill & Fortune Prisons in England (from whence all the American Marine Prisoners have been sent to America)³ were about forty belonging to our State who have applied to us for relief. Yr. Excellency well knows that no provision has been put into our power for such purposes—which are very frequently occurring—notwithstanding we have frequently urged the Policy and necessity of it. On this occasion, both policy & Humanity have dictated to us—to endeavor to procure by a draught on the treasury of Virginia to the amount of about thirty Pounds Pensylvania Currency, which we hope will be honord, and for which we hope we shall stand exculpated—when tis considered that inattention to this usefull body of men in their distress might deprive the commerce of the State of their Services—of which it at present stands so much in need. We have the Honr. to be most respectfully,

Yr. Eccllys. Most obedt. Servts.

Theok. Bland Jr.

J Madison Jr

A Lee.

RC (Vi: Continental Congress Papers). Madison, *Papers* (Hutchinson), 5:67.

¹ The content of the letter, the delegates' habit of preparing their official dispatches on post day (Tuesday), and the existence of letters to the governor for August 6, 13, and 27 makes the 20th the most obvious date for this letter.

² See *ibid.*, p. 37.

³ According to the *Pennsylvania Packet* for August 15 and 27, and September 3 and 5, and the *Pennsylvania Journal* for August 21, two flags had brought about 330 naval prisoners to Philadelphia from Mill Prison in Plymouth, and Forton Prison at Portsmouth, England, and another three ships had taken 700 more prisoners to Boston. On August 15 the committee of the week reported favorably on a memorial from the prisoners in Philadelphia, and Congress directed the Secretary at War to arrange with the Pennsylvania Executive Council to have them lodged at the Philadelphia barracks and ordered the Agent of Marine to supply them with rations. See *JCC*, 23:469; and *PCC*, item 32, fols. 381–82, item 186, fol. 49. See also Jesse Root to Jonathan Trumbull, August 7, 1782, note.

John Taylor Gilman to Josiah Bartlett

Dear Sir

Philada. Augst. 21st. 1782.

This is Just to acknowledge the receipt of the Letter you did me the Honour to write on the 3d Instt. and to inform you that I have nothing to give you in return but a News-paper.

While a Variety of Reports respecting matters of great Importance are Circulating we are Intirely destitute of Authentic Information, the last accounts from any of our Commissrs. in Europe was of the 28th April.¹

I am much Obligated to you for your Letters and the Inclosures & Shall be glad to hear from you frequently, I Shall write you as soon as I have any thing worth Communicating.

I am with much Esteem, Your most Obedt. servt.

John Taylor Gilman

P.S. If my old Colleague Mr. Robinson has not forgot me, (as I Suppose by this time he has got a New Colleague) I Should be glad to hear from him.

RC (NhD: Bartlett Papers).

¹ Gilman apparently had forgotten John Jay's May 14 letter which had been read in Congress on August 6. See James Madison to Edmund Randolph, August 5, 1782, note 5.

John Taylor Gilman to Meshech Weare

Sir.

Philada. Augst. 21st. 1782.

The Letter you did me the Honour to write on the 6th Instt. I received by Post the 19th (with the Inclosures), Permit me to Assure you Sir that I have a gratefull Sense of these favours.

We are now in the same State of Uncertainty, respecting Affairs in Europe, as when I wrote you last, which was by Mr. Storer the 15th Instt. Have no Intelligence from our Commissioners there, for several

Months past, are in Anxious Expectation of what may be the Issue of the present Situation of Political Affairs. Believe the Enemy from Savannah have Arrived at New-York; it is generally Credited, that a large Number of Transports have lately Arrived there from Europe and it is said they have brought some few German & British recruits, it is reported that a British Fleet of Thirty sail of the Line under the Command of Admiral Pigot are now on this Coast, some say to carry off the Garrisons of New-York &c. and others, for other purpose, but all is Conjecture; I hope soon to be able to give you some Authentic Information on these Subjects.

I shall be out of Money in a few Days, I do not know that I could sell a Bill if I was to Draw one on the State, and am very unwilling to make the Experiment as I think it would be Injurious to the state, suppose, as hard Money is scarce in New Hampshire, that Bank Bills might be more Easily obtained there than Money. I should be glad to have some Bills sent me as soon as possible after you receive this, as I shall probably be out of Money before your Letters will reach me. I Shall not Attempt to draw any Bills on the State untill I hear from you, If I can possibly avoid it.

I Inclose you a paper of this day, and have the Honour to be with much Respect, Your Obedt. Servt. John Taylor Gilman

RC (MHi: Weare Papers).

John Hanson to Philip Thomas

Dear Doctr.

Philadelphia Augt 21st 1782

I am favoured with yours of the 10th inclosing one from Lieut. Evans.¹ You will inform Mr Evans that nothing Can at present be done respecting his pay there is no doubt but he will get his money but the State of our Finances will not admit of Speedy payment. Am much pleased to hear you are all well. We Shall I hope be at home about the middle of November. Becky I hope will then be at home. We Shall want much to see her. You Alarm me about my Short Crop of Corn. Pray Sell no more grain or any thing Eatable. No further information respecting peace. We have had no intelligence from either of our Ministers abroad for upwards of four months which at a time so Critical is very distressing. We are in Anxious expectation of hearing from them, on whose information it is probable some Judgment may be formed as to the Issue of the negotiation. I hope for the best but I cant help Suspecting the designs of our Rascally Enemy, which may be to Effect by deceit, and Acts of Kindness, what they could not Accomplish by force. The french fleet it is Supposed is gone to Boston. Every thing remains quiet to the north ward—great Confusion in New York

among the Loyalists. They are very restless in their present critical Situation—they must it seems either enlist in the Kings Service, or Shift for themselves. Sad alternative. We are well our love to you and the Children.

RC (MdHi: Hanson Letters). In Hanson's hand, though not signed.

¹ Not identified.

Eliphalet Dyer to Thomas Shaw

Sir

Philadelphia August 23d. 1782

By almost Continual application I have at length obtained an Answer from one of the Judges of the Court of Appeals when a Court will be held in this City & have procured of Mr Ingersol a Petition in form with a Copy which I have sent by Coll Root¹ to be forwarded to you immediately on his arrival at Hartford which when you receive you will see that no time is to be lost but that you must Immediately send a trusty person from New London to Leave a Copy with the Petitioner which must by him be Compared and Certifyed by him to be a true Copy, & then Certifye on the original of his having a true & attested Copy with the Petitionee & the time left in Service & when returned to you you will forward so as to arrive here before the 1st of Octobr. & it is likely that if sent to Govr Trumbull it may be forwarded by Brown his express to this place but no matter by whom if it arrives here in Season we thot this best to prevent all disputes but we shall Notifye the Attorney here least this may fail & Conclude as I wrote you² that Notice to the Attorney here will answer but it is best to be as sure as possible. This Petition being served on the Petitionee will doubtless procure a Continuation of the Cause on the bond before the Court in Rhodisland if we cannot give you Notice of a New Trial being granted before that Court sits, shall do every thing in my Power that you have Justice done in the Cause & am, with sincere regards, Yr Hle Servt,

Elipht Dyer

RC (CtY: Shaw Papers).

¹ That is, Jesse Root left Philadelphia this day, ending a congressional career that had begun in December 1778.

² See Dyer to Shaw, July 22, 1782.

John Hanson to Philip Thomas

Dear Doct.

Philadelphia August 23d 1782

I have at times Considered the proposition you made some time

ago for purchasing wine &c here to be sold at Frederick. It might answer but the difficulty is to make the purchase, nothing to be had without the ready and how is that to be procured? Perhaps a Load or two of hemp might be had on Short Credit this would make a beginning and the Waggon employed in Transporting the hemp might be loaded back. The difference in the price of the hemp might perhaps defray the Expence of the Waggon.

Should be glad to be informed as to the price of hemp and Tobacco with you and at what price Claret, Port wine, Madeira, Rum, Spirits, leaf Havannah, Muscovado Sugars would Sell in Frederick. I have recommended to A to leave Annapolis as I thought his Continuance there would be ruinous unless some further means Could be fallen on for his Support other than that of his Salary, but he seems Averse to it. His objection to going to Frederick is, that the Situation disagrees with his health and it would be only hastening him to his grave. He prefers getting into Some Safe Species of merchandizing to every thing. If therefore he should be able to do any thing, Should be glad to have him Concerned with us. He may perhaps be able to procure £100 on Loan, and if we put in each of us a like Sum, a tryal may be made, if we find it answers the Business may be encreased, if not it may be declined without much loss. I shall not mention Any thing to A on the Subject untill I hear from you, which I hope to do by the first opportunity. If any thing is to be done Shall endeavour to Settle a Correspondence here before I leave Town. This will be handed to you by Gen. Gates. Congress have rescinded the resolution ordering a Court of enquiry on his Conduct at Camden, and directed that he join the American Army as General Washington may direct.¹ No official Accts from Europe for upwards of four months. Even the declaration of American independence by the Dutch, has not yet been properly Announced to Congress tho' there can be no doubt of the fact. I inclose you the papers of Wednesday and Thursday last. I Sent you a paper by the last post, and requested you would not Sell any more of my grain or any thing that is eatable either by ourselves or by the Stock. Your Account of the Crop of Corn is Alarming. Our return home will be about the middle of November. If any Waggon Should be Comeing up you will please to take down a Trunk. We are well and join in love to you, little Beck and Johny—our Compliments to all friends in Frederick.

I am very affectionately, yrs.

J.H.

RC (MdHi: Hanson Letters).

¹ See John Rutledge to Horatio Gates, August 14, 1782, note 1.

David Howell to Welcome Arnold

Dear Sir,

Philadelphia 23 Aug. 1782.

I will suppose you have either never received, or had no leisure to answer my two former Letters¹ & on this footing undertake to write you a third.

You will no doubt be anxious to hear something about peace. It is the general wish, & I may add that of Congress too, while at the same time a manly firmness in persevering in our just claims and in our military operation so necessary to vindicate them will mark their character in this as well as in all former stages of the contest.

Nothing has yet transpired officially about the negotiation on foot. Private Letter from Paris June 28 mentions that Plenipotentiaries from the belligerent powers were in close consultation at Paris & it was expected that a general pacification would take place. I need not assure you of my disposition for peace on good terms.

A reduction of the Salaries of our foreign Ministers is in Contemplation & has been agitated in Congress this day. They have at present the enormous Sum of £2500 Sterlg per Annum.

You will soon be informed of your appointment as one of the *Seven judges* to determine the long subsisting controversy betwixt Connecticut & Pennsylvania respecting the Lands on the *Susquehanna*: The Court are Mr Whipple of N.H., Mr Welcome Arnold of R.I. & P.P., Messieurs Brearley & Houston of N. Jersey, Messieurs Jones & Griffin of Virginia & a Mr Nelson.² All the judges were appointed by the mutual choice & agreement of the parties by their Commissioners. I hope you will not decline serving, as you will thereby not only disoblige the parties who have chosen you but your Friends who undertook to recommend you. It is a very high trust. It will at least make you known in the World. The allowance will be ten dols per day in full.

At the moment of my writing this Letter you are as I suppose at So. Kingston deliberating about 5 per Cent. I hope you will not adopt it. You will thereby raise money for some States who will not raise any for you nor even for themselves.

It is in contemplation to order a Contl. Tax of 1,200,000 Dols, to pay the intrest of the *funded debts* for 1783. This will be constitutional and in my opinion much better than the Impost; but should that be adopted, this will probably be laid aside. We wait the result of your present deliberations with impatience. Georgia has not yet agreed to the Impost.

Please to write me fully the doings of the Legislature & the Sentiments of the people.

I have reason to be thankful for a good State of health hitherto through the heat of the Summer, which is nearly past. The Season has not been extreme except in droughth. Fruit is plenty. English grain has been good. Much Indian corn cut off. Hay scarce & dear.

I am, &c,

David Howell.

P.S. My respects to friends.

RC (PHi: Gratz Collection).

¹ Only Howell's August 3 letter to Arnold has been found.

² See John Hanson to William Whipple et al., August 28, 1782.

Ralph Izard to Arthur Middleton

Dr. Sr.

Augt. 26th. 1782

Genl. Washington has sent Lippencut's Trial to Congress, which is now reading. The General in his Letter to the President seems to think that no retaliation should take place. Probably this will produce a debate, which though not agreeable, will be of importance. Nothing else of consequence that I know of. I think it likely that Lippencut's affair will be committed, so that if you are not well enough to come to Congress today, you may notwithstanding be present at the decision of the question.¹

I am Dr. Sr., Your's &c,

Ra. Izard.

RC (SchI: Middleton Papers).

¹ For the inception of "Lippencut's affair," in which Washington had threatened to hang British captain Charles Asgill in retaliation for the "murder" of Capt. Joshua Huddy unless his loyalist executioner, Capt. Richard Lippincott, was punished for the crime, see James Madison to Edmund Randolph, May 1, 1782, note 10. At his court martial, Lippincott had argued that he had only been following orders and was subsequently acquitted. On August 13 Sir Guy Carleton sent Washington the proceedings of the court martial, which the commander-in-chief submitted to Congress with his letter of August 19. He explained that since Carleton "reprobates" Huddy's murder "in unequivocal terms, and has given assurances of prosecuting a further enquiry," retaliation against Asgill before the outcome of Carleton's enquiries were known "would be considered, by the impartial and unprejudiced World, in an unfavorable and perhaps an unjustifiable point of view, more especially, as the great end proposed by retaliation, which is to prevent a repetition of injuries, has been in a manner answered." He therefore asked for the direction of Congress, which this day assigned the Washington-Carleton correspondence and court martial proceedings to a committee consisting of John Rutledge, Thomas McKean, and James Duane, although there is no mention of these proceedings in the journals. See PCC, item 152, 10:679-82, 693-704, item 186, fol. 50; and Washington, *Writings* (Fitzpatrick), 25:39-41. For the delay in the committee's work and resolution of this case, see James Duane to Washington, October 12; John Hanson to Washington, October 29; and James Madison's Notes of Debates, November 7, 1782.

Theodorick Bland to St. George Tucker

Dr. Tucker

Phila. Augt. 27th 1782

I have Just time to acknowledge the Rect. of your *Postscript* with the letter Enclosed. I am sorry in hearing from you that my fathers health is so bad—& am extremely distressed that he has never written me a line in answer to the numerous letters I have written to him.

The circumstances you mention with respect to the Tobo. is what chiefly induces me to write to you by this post. I am not Surprized that Ross offers at length 22/6 per Ct. when the Superintendt. of finance gives for Tobo. deliverable in Virginia 25/. I shall accordingly dispose of the Qy. you say is wanting for present emergencies but no more being still of opinion that the Residue will quadruply pay for keeping or if I can get for it what I think it is worth may perhaps Sell the whole here. I hope you will advertize Fanny of this and tell her my opinion is that no Tobo. shd. be sold at present more than what is absolutely necessary—untill she hears further from me, as I can form the best Judgment of the time when it will be proper to sell it—and that I think it wd. be much preferable to let me get 25/ Shilling Va. Curry. here than 22/6 there. God Bless you & believe me to be, Yrs affecty.

Theok. Bland

RC (ViW: Tucker-Coleman Papers).

John Hanson to Thomas Sim Lee

Dear sir

Philadelphia Augt 27th 1782

Capt Heron¹ proposes to Settle with you Agreeable to the inclosed State, as I am unacquainted with the price of wheat at the Head of Elk and with the Custom respecting the allowance for deficiency of Weight, have wrote to Colo Hollingsworth for information and Shall do nothing till I hear from him. Mr. Heron insists that the price to be Allowed for the wheat was to be the market price at the time of delivery, And that the ballance of the money was not to be paid till Six or Seven weeks after the delivery of the last parcel but if you will take an order on Mr Rutland you Shall have one immediately on the full quantity of wheat being delivered. I wish to have your further Instructions by the next Post. Am obliged to the intendant for the attention to the Delegates. Since he has put our Supplys into the hands of Colo. Hollingsworth we have received our Allowances pretty regularly & whenever I may have Occasion to Call for the four hundred pounds of mine which your Excellency have been obliged to make use and to

which you were extreamly welcome, I hope you will be put to no inconveniency in paying it. It is time to attend Congress and therefore Conclude by assuring you that I am upon all Occasions, your Excellencys most humble sevt,

John Hanson

RC (MdHi: Lee, Horsey, and Carroll Papers deposit, 1988).

¹ Not identified.

James Madison to Edmund Randolph

Dear Sir

Philada. Aug. 27th. 1782.

Your favor of the 16th¹ came duly to hand yesterday. The hints which it gives with regard to merchandizes imported in returning flags, and the intrusion of obnoxious aliens through other States, merit attention. The latter subject has on several occasions been mentioned in Congress, but I believe no Committee has ever reported a remedy for the abuse. A uniform rule of naturalization ought certainly to be recommended to the States. Their individual Authority seems if properly exerted, to be competent to the case of their own Citizens.

The report touching the unpopularity of {General G}² was perfectly new to me. It may nevertheless be true. The letter recd. yesterday from the Govr.³ is silent as to the appointment of Commissrs. to treat with the Southern Indians.

We are still left without information concerning negociations in Europe. So long a silence of our Ministers at so interesting a crisis grows equally distressing & inexplicable. The French fleet has gone into Boston Harbor. The arrival of a British fleet on this coast is reported but disbelieved by many. The French Army is on its way Northward from Baltimore. It is to proceed in five divisions; the 1st of which is to be here about Friday next.

Congress recd. yesterday a letter from Genl Washington enclosing one to him from Carlton with the proceedings of the Ct. Martial in the case of Lippencut.⁴ It appears that this Culprit did not deny the fact charged upon him but undertook to justify it as a necessary retaliation, and as warranted by *verbal* orders from the Board of Refugees. The Ct. decided this warrant to be insufficient, but acquitted him on the pretext that no *malicious* intention appeared. Carlton explicitly acknowledges & reprobates the crime, & promises to pursue it in other modes; complaining at the same time of irregularity in the step taken by Genl W. of selecting & devoting to execution an innocent & even a capitulant officer, before satisfaction had been formally demanded & *refused*. Genl. W. seems to {lean to the side of compassion} but {asks the direction of Congress}. What that will be may perhaps be communicated in my next.

The consideration of your territorial {report has been resumed}. The expedient which was meant to conciliate both sides proved, as often happens, a means of widening the breach. The Jealousies announced on the side mentioned in my last, were answered with reciprocal jealousies from the other, & the {report} between the two was falling to the ground when a committment as a lesser evil was proposed & agreed to.

Mr. Jones & his family arrived on Sunday at Germantown without halting in this City. Himself, his lady & little son were all extremely sick during the whole journey. Mrs. Jones is still very much indisposed, & Mr. Jones considerably so. They do not propose to come into the City till the salubrity of Germantown shall have enabled them to encounter its noise & polluted atmosphere.⁵

I cannot in any way make you more sensible of the importance of your kind attention to pecuniary remittances for me than by informing you that I have for some time past been a pensioner on the favor of H. S.⁶ Will not the Agent of Mr. Morris⁷ give a draught payable to me for notes payable to the bearer? Or may not the Notes be so endorsed as in case of accident to prevent payment to another? In either of these cases a remittance of notes (if they can be procured for me), by the post will be safe. But my present situation renders such a conveyance preferable to delay, even if neither of the foregoing expedients be practicable. Shew this paragraph to Mr. Ambler⁸ if you please.

As I do not find that any of my letters in which Mr. L——s Cypher was used, have miscarried, I inclose you a Key exactly copied from mine.⁹ If it arrives safe, and unlocks the past letters, it may be of future use. You w[ill] observe & inform me whether the seal of [this letter?] obviates all suspicion of its having been opened.

Mr. H. & Mr. T.¹⁰ present their very affecte. regard to Mrs. Randolph & yourself. The arrival of every post is succeeded by immediate & anxious inquiries concerning the *number* of your little family to which I hope Mrs. R. is by this time able to furnish a satisfactory answer.

RC (DLC: Madison Papers). In Madison's hand, though not signed. Madison, *Papers* (Hutchinson), 5:86–88.

¹ Ibid., pp. 58–60.

² That is, Nathanael Greene. Words printed in braces in this text were written by Madison in the official Virginia cipher.

³ See *ibid.*, pp. 57–58.

⁴ See Ralph Izard to Arthur Middleton, August 26, 1782.

⁵ Joseph Jones resumed his seat in Congress on September 5. See *JCC*, 23:547.

⁶ That is, "Haym Salomon a Jew Broker" written above line, undoubtedly at a much later date.

⁷ Daniel Clark.

⁸ Jacquelin Amhler, Virginia's treasurer.

⁹ This key to James Lovell's cipher has not been found.

¹⁰ Probably Samuel House and Nicholas Trist.

Charles Thomson's Notes of Debates

Tuesday, August 27th [1782]

The Com^u of the week, viz.: Mr Gilman, Mr Clark & Mr Huntington having rec^d a petition signed by a number of inhabitants of a tract of Country called Kentuckey reported that it should be read & filed.¹ The reading was first called for, and the purport of the petition was to state that the petitioners had, at the risk of their lives, settled a tract of country westward of the Allegheny Mountains on the waters falling into the Ohio, that the State of Virginia had lately granted large tracts of land within that district without any condition of settlements, that she had undertaken to form them into Counties and claimed jurisdiction there, that being removed above 800 miles from the seat of Government, it could not be exercised with justice & energy; that they were in danger of losing their rights, if they must go to Richmond where the Supreme Court sat & there contend with the last Grantees; that they have taken an Oath of Allegiance & considered themselves subjects of the United States & not of Virginia, that the Charter under which Virginia claimed that Country, had been dissolved; that in consequence of the dissolution the Country belonged to the Crown of G. Britain & that by the revolution the rights of the Crown was devolved on the United States, and therefore praying Congress to erect them into a separate and independent State and admit them into the federal Union.

Mr Lee was surprized that the Com^u had not explained in their report the nature of the petition, as they ought to have done, as that might have prevented its being read. The countenancing such petitions was an insult to the State of Virginia.² As the petition had been read, the only thing now to be done was to refer it to the State of Virginia. The petitioners were subjects of that State, if they suffered grievances they should apply to the legislature of that State for redress, and not to Congress. What right had Congress to interfere? that the rights of the Crown devolved upon Congress was a groundless, an extravagant & idle supposition. Could they devolve on Congress before it had an existence? Congress derived its power from the Confederation, it had no right but what the Confederation gave it. The United States individually were in existence before Congress was. They were sovereign free and independent & retained all the rights of sovereign free and independent states, except what they voluntarily gave to Congress by the Confederation. That the rights of the Crown to the vacant Lands within the bounds of any state could not devolve upon Congress but on the individual state within the bounds of which the lands lay.

Mr Madison supported the propriety of referring the paper to the legislature of Virginia. The State he said had already taken measures

to redress some of the grievances complained of. The legislature had divided the Country into Counties, they had established Courts, appointed judges, and brought justice to the doors of the petitioners. He was sensible that they were far removed from the seat of Government; that the time would come when the people in that Country must be divided into separate jurisdictions. The Constitution of the State had provided for that event; but the Legislature of Virginia & not Congress were to judge when that would be proper. The dissolution of the Charter did not break the social Compact among the people. The Charter was an agreement between the King, the proprietors, and the people. Though the King, by the dissolution of the Charter, might succeed to the rights of the proprietors, the rights of the people remained entire, and the King had no right to cut them into separate Governments without their consent. He doubted whether the present petition expressed the sentiments of the people in that district; he apprehended there were few if any of the natives of Virginia among the number of the petitioners. That the paper read should be referred to the Legislature of Virginia that they might enquire into the facts and determine what was proper to be done. As to the supposition that the right of the Crown devolved on the U. S. it was so extravagant that it could not enter into the thoughts of any man. If the right of soil devolved why not the right to the quit rents and confiscated estates.

Mr Williamson observed that the petition involved a question of a very serious nature; that no doubt a time would come when it would be discussed: that whenever it was discussed it would be attended with most serious consequences, and he apprehended the sword alone would decide. He wished it might be put off a long time, & not revived in our time, nor in the time of our children or their grand children.

Mr McKean, was sensible it was a question of a very serious nature—that it must be discussed. He was not for putting off the discussion to so distant a period. He was not for leaving it to posterity. He was willing to face it with all its consequences, and hoped it would be decided before the present war was concluded. If the people of Kentucky have taken an Oath of Allegiance to the U. S., he will take them by the hand. He is not afraid of Virginia. He hopes no State in the union will ever be so great as to give laws to all the rest, nor that any will be suffered to acquire so much power that the others cannot controul it.

Mr Clark wants to be informed more particularly respecting the conduct and views of Virginia with regard to that western country, & what the meaning of the provision is of the Constitution of the State. He understands that they have it in contemplation to form the western country into distinct subordinate governments & to send out lieutenant governors to rule them. This will be going on the plan of Great

Britain with regard to her former Colonies, & must bring on another revolution, which will be attended with convulsions & break the peace of the union. If he is rightly informed, that plan is already in part adopted and is one of the grievances complained of by the people and the foundation of the present petition. He is apt to be jealous, but he thinks it right to be jealous in such a case as this. He wishes for full information.

Mr Howell observed that the right to the western Country was vested in the Crown of Great B. That by the proclamation of 1763 the King had prohibited his Governors from granting lands beyond the heads of the waters falling into the Atlantic; that by that proclamation reserved to himself the right of *pre-emption*; that the Crown of England claimed and had always exercised the right of setting off new governments—that both these rights devolved on the United States. Congress had acted upon the former when they passed the resolution recommending it to the states who claimed the western Country, not to make any grants of unappropriated lands. See Oct. 30, 1779,³ in opposition to which the State of Virginia made grants of which the present petitioners now complain and the 11th Article of the Confederation provides for the exercise of the latter right by the words “no Colony shall be admitted into the union until such admission be agreed to by nine States.” This is not to be confined to Colonies then or now in existence, but extends to any future Colony that may at any time be established or formed.

Mr Witherspoon began by observing that one of the gentlemen from Virginia said it could not enter into the thoughts of any man that the rights of the Crown devolved on the United States. He supposed he intended that only as a figure in rhetorick, not as an assertion that would be admitted. It certainly could enter into the thoughts of men and had actually entered into his thoughts, and it had entered the thoughts of the petitioners and into the thoughts of very many sensible men at the beginning of the present Controversy. The western uncultivated and unappropriated lands belonging to the Crown were considered and spoken of early in the controversy as fund for discharging the debts that might be contracted in the war by the U. S. It would appear a strange whim if a sentiment which occupied and engrossed the minds not only of speculative, but of illiterate men and of the bulk of the inhabitants of many of the States had not some solid foundation to rest on. For his part he thought it founded on truth, on justice, on the nature of things, and was warranted by the Laws of Society. This controversy was begun and the war was carried on by the united and joint efforts of the thirteen States. By their joint exertions and not by those of any one State the dominion of Great Britain was broken, and consequently the rights claimed and exercised by the crown devolved on all, and not any individual State. Why should one

State reap more advantage than another. He admitted the consequence that not only the right of the unappropriated soil but also of the quit-rents and confiscated estates devolved on the U. S. As to the quit-rents it seemed to be the general opinion that they should be no longer collected, but that each man should enjoy the portion of land he was possessed of, clear of all incumbrance of quit-rents, and therefore they were not made an object; with respect to confiscated estates, they were too inconsiderable to excite attention. Had a major part, or even one-half of any State joined the enemy, and their estates thereby became confiscated, he apprehended it would have been a matter of serious discussion whether they should belong to the U. S. or be appropriated to the sole benefit of the other half of the Citizens of the State.

With regard to the powers of Congress, or of the U. S. collectively taken, they could not be exactly defined in the articles of Confederation. Cases would arise for which no previous provision could be made. These came under and were decided by the great law of necessity, which was admitted as a law of nations. It might happen that a State would grow so powerful and so ambitious as to be dangerous to the other States in the union. In such a case the law of necessity and of self-preservation might compel the others, by a sovereign act of authority, to abridge the power of that State, and even to divide it into two or more distinct and independent States. He would not undertake to say that the petitioners were within or without the bounds of Virginia, or that it would be proper or improper to grant the prayer of the petitioners; but he saw no impropriety in letting the petition remain on the files of Congress, and should therefore vote in favor of that question.

Mr Williamson insisted there was nothing before the House in which a question could properly be taken; that the bulk of the names to the petition which had been read appeared to be signed by one or two hands; they might be forged. No body could say that the signers or the persons whose names were written lived on the lands in question, that therefore the paper should be dismissed. This brought on a new debate, and at last an adjournment was called for and agreed to.

MS not found; reprinted from *NYHS Collections*, 11 (1879): 145–50.

¹ See *JCC*, 23:532–33. Although Thomson records a lengthy debate over the disposition of the Kentucky petition in these notes, there is no mention of the matter in his journals of Congress.

² For the Virginia reaction to this Kentucky petition, see Madison, *Papers* (Hutchinson), 5:82–84; and Virginia Delegates to Benjamin Harrison, September 3, 1782. No copy of the document, which was described as merely “a Copy of a Petition” by the Virginia delegates in their letter of transmittal to Harrison, is known to have survived.

³ See *JCC*, 15:1226–30; and these *Letters*, 14:134–35.

Virginia Delegates to Benjamin Harrison

Sr.

Philadelphia Augt. 27th. 1782

We were yesterday Hon^d. with your Excellys letter by post dated Augt. 16th¹ together with the resolution of the Assembly 2d. July 1782. We shall pay due attention to your desire concerning the Resolution and in our next transnit your Excellys. an account of what steps Congress shall direct to be taken therein.² No European news of the smallest consequence has come to hand, since our last to your Excellys. The arrival of a British Fleet of 18 or 20 Sail of the line at New York within these few days has been reported but is at least doubtfull the French fleet are in Boston Harbor and the Van of the French Army is expected at this place on their way to the Northward in two or three days. Mr. Jones our Colleague arrived here a few days ago but from the indisposition of himself and Family has thought it necessary to retire into the Country. With some difficulty we negotiated a small Bill (last post) on the treasury, to enable us to relieve and send home some poor seamen who had arrived in a Cartel, from Mill & fortune Prisons in England, and altho forty belonging to our state arrived at this place, yet we have not been applied to by more than nine or ten as yet—the rest we Imagine, have enterd in this and the neighbouring states before we were enabled to procure them relief.³ We flatter ourselves our Bill has been honord. We are unhappy to find, since that, no entreaty, or industry is sufficient to procure one shilling for a Draught for any part of our Sallaries. We are at present much distressd for money, and unless it can be remitted to us either in Bills on this Place, Bank notes or Notes of Mr. Morris we foresee great inconveniencies to ourselves. we therefore hope your Excellency will direct such measures to be taken as will obviate them. the Balance of trade is so much against Virginia with this place that on every application for money on a Draught we are answerd “we want no draught on Virginia we want money from thence.” we have the Honor to be with all possible respect

Yr. Excellys. most obedt. & very H. Serts.

J Madison Jr.

Theok. Bland

RC (NHi). Reprinted from Madison, *Papers* (Hutchinson), 5:85.

¹ *Ibid.*, pp. 57–58.

² On July 2 the Virginia House of Delegates passed a resolution proposing a new procedure for destroying old Continental money withdrawn by the state under Congress' resolution of March 18, 1780. The assembly directed the state treasurer to “punch through” the currency redeemed and to retain it until Congress ordered it shipped to Philadelphia, but requested that the money be destroyed locally under the supervision of a committee appointed by Congress. On August 29 Congress referred this resolution

to the superintendent of finance who issued his report on September 7. See PCC, item 75, 2:371–72, item 185, 3:39, item 186, fol. 51; and Morris, *Papers* (Ferguson), 6:335–37. Morris proposed instead that the currency be received and destroyed by the commissioners he had appointed to settle state and individual accounts and, in a far-reaching departure, recommended that states redeeming more than their quotas of old money be credited for the excess in specie at 40 to 1, thus favoring states like Massachusetts that held a surplus. For Congress' rejection of Morris' proposal to permit redemptions in excess of state quotas and Massachusetts' effort to salvage the superintendent's recommendation, see Samuel Osgood to John Lowell, September 19–25, note 10; and James Madison's Notes of Debates, November 26, 1782.

³ See Virginia Delegates to Harrison, August 20, 1782, note 3.

James Duane to Alexander McDougall

Dear Sir

Philadelphia 28th Aug 1782

I received your favour of the 16th Instant with great Pleasure. Be assured that it requird no Representations or Arguments to engage my Efforts for the most speedy Decision on your Case.¹ I was sufficiently awake to your *personal* feelings in such a painful State of suspense, and anxious, on *publick* Considerations, for your Resumption of Command. Nor was there in fact any delay but what was required for a deliberate Review of the proceedings of the Court martial. You know the Event. We saw you with pleasure rescued, by the Sentence of your Peers, from every Imputation which, in the remotest degree, could reflect on your Honour or your Integrity. The single charge of which you are not acquitted Taxes your *Prudence* only; and not in *Conduct*, or with Regard to the *publick*, but in words respecting an *Individual*, and uttered in a *social* Hour! I refer you to General Scott for any particulars respecting the Ratification of the Sentence which you may be curious to know. With Truth, Sir, I can affirm that the high Estimation in which your Zeal, your Merits and your Services had placed you remains unimpaired.

I have been so long habituated to disappointment from the Professions, and the extreme Folly, of our Enemy, that I form Conclusions with respect to their Measures and that Sincerely with the utmost Caution. Pardon me then for confessing that you take greatly the Lead of me in Expectations of a sudden peace. I reserve my Judgement of this most desireable Event till we obtain Information of the state of European politics from our Ministers. It is a painful Reflection that we have no Intelligence from any of them for a most tedious period: Not even an official account of the Recognition of our Independence by the Dutch tho' it must have happend so long ago as April.

And yet, my dear Sir, I will not renounce the Hope of embracing you before the next Spring in our beloved Capital, and of felicitating with you on the Success of our Anxious Labours for the Independence & Happiness of the United States. I am with the greatest Respect and personal Esteem, Dear Sir, Your most obedient & very huml Sert.

Jas. Duane

RC (NHi: McDougall Papers).

¹ For the reading and approval of General McDougall's court-martial sentence by Congress on August 15, see *JCC*, 23:468; and Charles Thomson's Notes of Debates, August 9, 1782. For McDougall's court martial on seven counts of "conduct unmilitary and unbecoming an officer," and modest reprimand for conviction on the seventh charge for having denounced Gen. William Heath as "a Knave," see Washington, *Writings* (Fitzpatrick), 25:76-84; and Roger J. Champagne, *Alexander McDougall and the American Revolution in New York* (Schenectady, N.Y.: Union College Press, 1975), pp. 175-79.

John Taylor Gilman to Meshech Weare

Sir

Philada. Augst. 28th. 1782.

I received your favour of the 14th Instt. (Inclosing a Letter from Mrs. Gilman) by Post the 26th. I wrote you the 21st Instt. since which have not any Intelligence either from Europe, or respecting the several Reports mentioned in that Letter, cannot account for our being so long destitute of Intelligence from Europe. I have made Enquiry Respecting the Balsam mentioned in your Letter of the 6th. It is in such bottles as I think would not answer to send by the Post, I shall send it you by the first safe Oppority. I can find. I have received a Letter from Genl. Bellows respecting Wages &c. due to One Capt. Holmes. Inclosed is an Answer thereto,¹ have not any thing to Communicate, worthy of your Attention.

I Inclose a Paper of this Day and have the Honour to be, with much Respect, Your Obedt. servt.

John Taylor Gilman

P.S. In my Letter of the 21st Instt. I wrote for some Money or Bills to be Sent me, hope it will be done before this reaches you; of the 500 Dollars which I received of the State, I brought away with me when I Left home 450 Dollars (although I had Expended several Hundred Dollars to prepare mySelf for the Journey) and I am now almost Destitute of Money.

J. T. G.

RC (MHi: Weare Papers).

¹ Not found.

John Hanson to William Whipple and Others

Sir¹

(Circular)

Philadelphia August 28th. 1782

A dispute having long subsisted between the States of Pensylvania & Connecticut respecting lands claimed by them respectively, an appeal was made to Congress for settling the dispute agreeably to the ninth article of the Confederation, and the said States appearing by their lawful Agents were directed according to the tenor of the Confedera-

tion to appoint by joint consent Commissioners or Judges to constitute a Court for hearing and determining the matter in question. In consequence of this direction they met and have appointed the honorable. W. Whipple Esqr. of New Hampshire, the Honble. Welcome Arnold Esqr. of Rhode Island, the Honorable David Brearly and William Churchill Houston Esqrs. of New Jersey, the Honble. Cyrus Griffin, Joseph Jones, and Thomas Neilson Esqrs. of Virginia to constitute a Court for hearing & determining the matter in question between the said States.²

I have it in charge to inform you of this appointment and that you are to meet at Trenton in the State of New Jersey on Tuesday the 12th. day of November next. A Commission is making out and will be ready to be delivered at the time & place above mentioned. As the peace of two States and consequently of the whole Union depends upon an amicable settlement of this dispute, I trust you will view your appointment in so important a light, that it will be unnecessary, to use arguments to induce you to undertake the business and to meet punctually at the time & place appointed.

I have the honor to be with Sentiments of esteem & regard Sir,
Your most obedient & very humble Servt.

John Hanson Presidt.

RC (Capt. J. G. M. Stone, Annapolis, Md., 1974). Addressed: "Honorable William Whipple Esqr., New Hampshire." LB (DNA: PCC, item 16).

¹ In the LB the following note follows this letter: "The same *verbatim*, To the Honorable Welcome Arnold, Esq. of Rhode-Island, The Honorable David Brearley and William Churchill Houston, Esquires, of New-Jersey, The Honorable Cyrus Griffin, Joseph Jones and Thomas Neilson, Esquires, of Virginia, severally."

² For this August 23 order of Congress, see *JCC*, 23:461, 466-68, 528-29. For the context of this action, see Connecticut Delegates to Jonathan Trumbull, June 5 and July 1, 1782; and *Susquehannah Co. Papers*, 7:119-29.

David Howell to Silas Talbot

Dear Sir,

Philada. 28 Aug. 1782.

I waited on Gen. Gates at his lodgings at the time he proposed for the purpose I wrote you¹ but he was gone into the Country—and I have not seen him since to obtain his opinion.

The papers you sent me have been in the Auditors hands several days; he informs me that he does not thereby deem himself authorised to settle your accounts for the whole of the time as a Land-officer; but thinks your case so peculiarly situated as to well justify a particular application to Congress. This I will make for you, if you will sign & send to me a Petition; or, should you, as you hint in your last letter, come "*in person*" I will assist you all in my power.

Waiting advice I am, Sir, yours, &c.

David Howell.

RC (CtMyMHi: Talbot Papers).

¹ See Howell to Talbot, July 17 and August 3 and 20, 1782.

Samuel Osgood to Caleb Davis and John Wendell

Gentlemen

Philadelphia Augst. 28th. 1782

At the last Election of the Directors for the National Bank,¹ I appeared for you, Mr. Morris supposing it to be your Intention that I should. I have not had the Pleasure of receiving any Direction from you.

By the Rules of the Bank no Person can receive your Dividends unless properly authorized. I have enclosed you a general Form used by the Bank of England.

It is usual to leave out all that Part of the Form which empowers the Attorney to dispose of the Stock—& only empower him to receive the Dividend as it becomes due. Your Dividends due the 4th of July last are small—owing to the Stock not being placed in the Bank seasonably. The Directors of the Bank found themselves obliged to make a general Rule in Order to ascertain the Amount of the Dividend. They could not easily adopt any other, than that of crediting every Person for his Stock, from the Time it was placed in the Bank.

I am Gentlemen, your most humble Servant,

Samuel Osgood

Mr. Wendell's Dividend
due the 4th of July last—is
Mr. Davis's do

Dollrs. Nine[t]ieths
14. 56.
4. 49.

Directors of the Bank will be again elected about the first of November next. A Power will be necessary for some Person to appear for you.

RC (MHi: Davis Papers). Addressed: "Messrs. Wendall & Davis."

¹ See Osgood to John Lowell, November 13, 1781, note 2.

Charles Thomson's Notes of Debates

Wednesday, August 28th? [1782]¹

A flag-ship having arrived at Philadelphia with prisoners from *Fortune* [Forton] Prison in England, the Captain represented to the agent of marine that on the passage the prisoners had compelled him to furnish them with a larger allowance of provisions than the rules of the victualing office and his instructions warranted, and therefore he demanded to be paid for the extra allowance. The agent of marine having communicated this matter to Congress and requested instructions, his letter was referred to a Com^{tt} consisting of Mr Duane, Mr Howell & Mr Izard, who reported this morning a state of facts as it

appeared to them, and recommended that the accounts of the Captain be referred to the agent of marine for liquidation and payment.² It was urged on the part of the Com^u the honor of the nation was concerned; that the Captain, relying on the security of a flag and the honor of the American prisoners, had entered into a contract with Government to carry the prisoners to America; that in making his Contract he relied on furnishing them during the voyage with a certain quantity of provisions, daily, the same that was allowed to British soldiers on board of transports; that he had been compelled to give more, and that the loss would fall upon him; that he might have complained of the violation of the flag and demanded a reparation, which could not have been denied; but that he contented himself with only demanding pay for the extra allowance, & that this ought to be granted.

Mr Rutledge thought the honor of the nation no way concerned. What mighty stain would it be on the honor of the nation that a number of men who had been for many months confined in prison and half starved, which was the case, should, when they had the power and when by a *freer* air & more exercise they found their appetite restored, compel the Captain to increase their allowance of provisions. He did not see the propriety of paying money when the enemy refused to settle with us and pay what they owed for the maintenance of their prisoners in our hands. Besides it should be considered that many of those who were now returned were militia of North & South Carolina, & had been, contrary to faith and justice, sent to England and kept confined, when by the Cartel settled between Greene and Cornwallis they ought to have been at liberty and in their own country. That in strict justice the enemy ought to return them entirely at their own expense. But he did not desire this. He was willing that justice, strict justice should be done. He wanted no favours, he would receive none from the enemy. He was for accounting with the enemy not only for the extra allowance but for the whole quantity of provisions issued to the prisoners during the voyage. For this purpose he had no objection against granting the captain a Certificate for the quantity of provisions served out to our people on the voyage, and that the amount should be charged to us and admitted in the general settlement; but he was against paying any money until the general account was settled. Several other members spoke on the occasion, and at last the report was recommitted.³

The matter being over, Mr Smith arose and begged leave to call the attention of the house to a clause in the Cereimonial established with regard to foreign ministers. He meant that which regulated the visits between members of Congress and foreign ministers. He found it was differently understood by different members; some thought it was the duty of the minister to make the first visit, and that they were bound not to pay him a visit or accept his invitations to dinner until they had

received his visit. Others did not consider themselves so bound. Hence arose a distinction among the members; while some held an intercourse with the minister and were constantly seen at his table & entertainments, others where wholly secluded. For his part he thought the minister's entertainments and invitations were too frequent and that it would comport more with the dignity of Congress if the members were seldomer seen at his table. But he saw no reason why one should not be there as well as another & that there should be one rule of conduct for all. He therefore desired the sense of the house on the clause.

Mr Lee thought it highly proper to establish a rule. The republic of Venice had a law by which every member of the Senate was prohibited from dining with or being entertained by a foreign minister. This was to prevent all suspicion of being under undue influence. He did not mean that Congress should adopt such a rule. It was proper that that the etiquette of visits should be settled.

The Ceremonial being read it appeared that the clause had a reference only to the visits of ceremony paid after the first public audience of a minister.

Several members treated the matter as trifling, & not deserving further attention.

Mr Bland thought a Ceremonial should be settled that members might know their place; for this purpose he would move that a Committee be appointed.

Mr Lee seconded his motion. Gentlemen might despise etiquette as they pleased; but it was so important as to be attended with very serious consequences. Every civilized nation had found it necessary to settle it. We should not affect to be wiser than all the world.

Mr McKean observed that we might soon expect more ministers from foreign Courts, it was therefore the more necessary to settle the line of conduct to be observed toward each of them separately and to whom a preference should be given when together.

Mr Williamson made a florid harangue on the occasion and mentioned the house contrived with several doors and the round table at Aix-la-Chapelle where the ministers of several powers met to settle the peace of Europe.⁴

Mr Clark, composing his countenance to more than usual gravity, to give more poignancy to his accustomed sarcasms, wondered that gentlemen should call in question the importance of the subject or oppose the appointment of a Com^{te}. He wanted to see the report & should therefore vote for a Com^{te}.

After many learned arguments and fine speeches it was resolved, That a Com^{te} be appointed to revise the Ceremonial respecting foreign ministers and to report the proper alterations and additions to be made thereto.

The members chosen: Mr Lee, Mr Izard & Mr Williamson.⁵

MS not found; reprinted from *NYHS Collections*, 11 (1879): 145–50.

¹ See notes 3 and 5 below.

² For Robert Morris' August 23 letter to Congress and the settlement of the accounts of Capt. Francis Maxwell of the *Symmetry*, who had submitted his case to Morris, see Morris, *Papers* (Ferguson), 6:175–76n.2, 242–43; and PCC, item 137, 1:733–35.

³ There is no mention of this debate in Thomson's journals, but according to both his Committee Book and his endorsement on the committee report, the latter was submitted and recommitted on August 27 not 28. See PCC, item 19, 4:363–64, item 186, fol. 51, item 191, fol. 21.

⁴ That is, for the Treaty of Ryswick negotiated in 1697.

⁵ There is no mention of this debate in Thomson's journals, but according to an order in the hand of one of his clerks this committee was appointed on August 26. It eventually submitted a report on May 6, 1783, which was recommitted on May 14, resubmitted on June 10, and adopted on June 11, 1783. See PCC, item 25, 2:221–25, item 186, fol. 51; and *JCC*, 24:390–91. For the 1778 ceremonial to which the committee was to propose "alterations and additions," see PCC, item 25, 2:227–31. See also Theodorick Bland's Draft Proposals, August ? 1782.

John Taylor Gilman to Meshech Weare

Sir

Philada. Friday Augt. 30th. P.M. 1782.

I wrote you Per Post the 28th Instt. By accounts from New-York (which came in last Evening) it appears that the Enemy are about to Evacuate Charlestown.

Having an Oppority. to Send by a Merchant's Express who is Just Sitting out for Boston, I Inclose you a Hand-Bill Just published here,¹ hope it will reach you, before you Set out for Concord, as the Express Intends to be at Boston in Eight Days from this, have no further Information on this Subject than is Contained in the Hand-Bill.

The first Division of the French Army from the Southward passed through this City this morning, the others are soon Expected, Suppose they are going to Join our Main Army.

I have the Honour to be, with much Respect, Your most Obedt. servt.

John Taylor Gilman

RC (MHi: Weare Papers).

¹ Not found, but on the evacuation of Charleston, S.C., see the following entry.

Jonathan Jackson to Oliver Wendell

Dear Sir

Phila 30th Augst 1782

An Express of Mr Tracy's returning Today, I am just set down to tell you that we have nothing new here excepting the inclosed hand bill respecting the Town of Charlestown So C—which leads many of its old Inhabitants to think it is evacuated by this time.

Mrs Jackson has been very unwell but has mended again in a great measure—tho' Today she is not at all well. I still enjoy passing health—as usual & that is more than I expected. You do not tell me often eno' how you all do. Master Bob's Letter has not yet reached me—when I have tho't of him I have not had time to write to him. I do not find a great deal of Leisure here—accounting necessary visits into one's Business & necessary rides for health.

Mr. Tracy has a pamphlet—Mr Paine Author of Com. Sense Remarks on Abbe Raynall.¹ I've desired him to give you the Perusal of it, which please to mention *if* he should forget in his hurry. Do give my Respects & Mrs J——s to Master Hunt & his Lady. Tell him it would be very agreeable to me to hear from him how my Boy comes on & whether he stands in need of anything. Do if you can't find time to write me persuade Cozn Ned to inform me of the weekly occurrences worth noting. Present a Line [to] his Sister with my love & his Aunts'. The young Gentn may be told it by a Kiss for us. Our affectionate Love to my Sister—remember us to the two Bobs—& to be very affectly. yr Frd
J. J.

RC (DNA: Hugh Upham Clark Collection, NHPRC Microfilm).

¹ That is, Thomas Paine, *A Letter Addressed to the Abbé Raynal on the Affairs of North-America* (Philadelphia: Melchior Steiner, 1782), Paine's response to Raynal's *Révolution de l'Amerique*, which had appeared in English translation in 1781. See David Freeman Hawke, *Paine* (New York: Harper & Row, 1974), pp. 128–31; and Thomas Paine, *The Complete Writings of Thomas Paine*, ed. Philip S. Foner, 2 vols. (New York: Citadel Press, 1945). 2:211–63.

Theodorick Bland's Draft Proposals

[August ? 1782]¹

All Ambassadors from the United States to any foreign Court when return'd to the Place where Congress is sitting (except he shall be disgracefully dismiss from his office by Congress) shall have a publick audience of Congress in a Committee of the whole if he demands it. A Commander-in-Chief of the Army of the United States, Shall when arriving at the Seat of Congress be entitled to the Same if he demands it.

A commander of a Separate army Shall be entitled to an audience in a Committee of the States, or grand Committee if of the Rank of a Majr. General or upwards.

A commander of a Separate army Shall be entitled to an audience of a Committee of seven on his return to the Seat of Congress from his Command, if of the Rank of Brigadier, and demands the Same audience.

A commander in Chief of the Navy of the U.S. on returning from an Expedition to the Seat of Congress, shall be entitled to an audi-

ence from Congress, in a committee of the whole. A commander of a Separate Squadron, or Commodore of a Squadron consisting of three Ships, or more Shall be entitled on returning from an Expedition to an audience of Congress in a Committee of Seven members. That at all Publick audiences, of any of the aforesaid officers, the Commrs. of the Board of War Shall be present, & one of them Shall introduce the Land officer admitted to an audience.

That at all publick audiences of Sea-officers one of the Commrs. of the Admiralty or Head of the Navy Department Shall be present & introduce.

That at all audiences of ambassadors to foreign Courts or of foreign ambassadors or residents, the Secretary for foreign affairs & Superintendt. of Finance be present and introduce.

That all foreign ambassadors when they demand it Shall be admitted to a Public audience, of the U.S. in Congress assembled & Shall be introduced as above and accompanied from their respective Hotels, by the heads of the respective departments in Separate carriages.

That the great officers of State—viz. Secrety. of foreign affairs, Minister of Marine, Mr. of War, Minister of finance, Shall be entitled to an audience of Compliment in a Committee of the whole on the following days, anniversary of Independance, Confederation, alliance.

Tr (NcD: Campbell Manuscripts).

¹ A committee was appointed at Bland's instigation, apparently on August 26 or 28, "to revise the Ceremonial respecting foreign ministers," for which see Charles Thomson's Notes of Debates, August 28? note 5. Although Bland was not a member of the committee, the subject was obviously of some concern to him and he may have prepared these suggestions, which bear the heading "Propositions relating to Audiences, by Col. Bland in Congress," to shape the committee's proceedings.

Arthur Lee to James Warren

Dear Sir,

[August ? 1782]¹

Your favor of the 1st ult. reachd me safely. I am very much obligd to you for your attention to me both as to the Paper money & the Grant. It is not a little unfortunate that the person so fit for the business shoud have been visited with so greivous a disorder, for which I am very sorry as well on his account as my own. It is probable that times of more safety in those parts will soon happen, for I think the Enemy can hardly continue the war long, & all parties seem disposd to peace.

I wish it were in my power to give you any comfort as to the spirit that generally prevails in this Country. It seems as if patriotism was an unnatural feeling, & therefore short-livd; while prostitution & servility, were so congenial with human nature, that they revive & flourish with wonderful rapidity.

By the absolute order of France, Dr. Franklin & Mr Jay were joind in commission with Mr. Adams for negociating a Peace. At this very time Congress had the fullest evidence and conviction that Dr Franklin was both a dishonest & incapable man. Mr. Laurens & Mr. Jefferson were added, but the first was a prisoner, & the latter woud not go. Mr. Jay has with a very becoming spirit desird to be left out of a Commission, which is accompanied with Instructions to obey ultimately the opinion of the french Ministers. This he states as in his apprehension, so humiliating to the Commissioners, so disgraceful & injurious to America that he cannot submit to it. I have movd in vain for a reconsideration of these Instructions. The yoke is riveted upon us, & the man who I am sure sold us in the negociation with France, is the sole adjunct with Mr. Adams, in a negociation on which every thing that is dear & honorable to us depend. He, good man, felt no qualms at such a commission, no sense of dishonor or injury to his Country. On the contrary he expressd the utmost alacrity in accepting it, & I beleive most cordially; since it puts him in the way of receiving money, which is the God of his Idolatry.

The French therefore are to make a peace for us; we have presumd only to desire Independance; but whether it shall be on secure & honorable terms, whether by the stipulations annexd to it we shall participate in the Fishery, in the navigation of the Mississippi, or in the western territory, whether conditions Trenching nearer, & more shamefully on our rights will accompany the naked & nugatory assertion of Independance, is in the sovereign arbitration of the french Court. To judge what is for our own interest, to instruct our Plenipotentiaries, for them to think & act for us, are treason against the Alliance, by which we were acknowledgd independent & soveriegn. In short, the most servile display of the most servile principles, is what alone must entitle us to the patronage of our great and generous Protector. This was not the sentiment, or language, that commencd the revolution, & I can plege myself it is not the sentiment or language that will bring it to a happy issue. But there seems to be no public here to appeal to. Sordid pursuits & servile attachments have apparently absorbd all the Faculties of our fellow Citizens. In the last resort, I hope the jealousy of G. Britain & of the other Powers in Europe will prevent France from abusing the power which we have thus basely & imprudently confided to her.

Spain has behavd towards us with very little wisdom, or decency; but it is much to be suspected that the French are at the bottom of it; insomuch that a well-informd person on the spot, writes thus "I have many reasons for believing that the french Court does not wish to see us declard independent by other Nations, lest we shoud become less manageable as we become less dependent on her for support." I have endeavord to inculcate this truth into those to whom it woud be useful, & yet they constantly act in opposition to it.

The rapacity of a certain person after power & profit,² the little caution or wisdom that governs appointments are the reasons for the accumulation of Offices in an unprincipled & suspected Individual. The distress of our Finances which he has the art of colouring high, & plentiful promises of relief from wonderful abilities, operate like a charm upon weak minds.

I beg you will make my best & most respectful wishes acceptable to Mrs. Warren & believe always, with the most perfect esteem, Dear Sir, your most sincere friend

RC (MHi; Warren-Adams Papers). In Lee's hand, though not signed.

¹ This letter was clearly written some time in the last three weeks in August, during debate over the reconsideration of instructions to the peace commissioners, in response to Warren's "favor of the 1st ult. [July 1, 1782]," for which see Richard Lee, *Life of Arthur Lee, LL.D.*, 2 vols. (Boston: Wells and Lilly, 1829), 2:277–78. Lee feared French domination of the negotiations and had recently, according to the third paragraph, "mov'd in vain for a reconsideration of these Instructions." See Charles Thomson's Notes of Debates, July 24, note 1, and August 8. For a review of Lee's struggles in Congress at this time, see Louis W. Potts, *Arthur Lee: A Virtuous Revolutionary* (Baton Rouge: Louisiana State University Press, 1981), pp. 255–57.

² That is, Robert Morris.

John Witherspoon to Unknown

Sir

[August ? 1782]¹

I now sit down agreeably to Your Request to recollect & commit to writing the Circumstances most worthy of Notice at the Time of Congress agreeing to the final Instructions to our Commissioners for negotiating Peace²—And to point out the Views which seemed to me chiefly to have governed that Body & induced them to direct our Commissioners to be ultimately guided by the Opinion & Judgement of the Court of France.

It will not be improper to permit some short Remarks upon the State of things from the Beginning of the War both before & after the French Alliance.

It was from the first Appearance of Things coming to Extremities admitted by all that the cheif if not the only Quarter from which we were to look for foreign Aid was France. As also that Foreign Aid was *necessary* that is to say that unless we had foreign Aid we could not expect to establish our Independence but after many years of suffering—a depopulated Country & deluge of Blood—& that most probably some of the States themselves might have been lost.

I do not remember any Difference of Opinion worth mentioning upon either of these two Points. Therefore our Views were directed to France. There was a much greater Difference of Opinion whether we should offer an Alliance to any other Power.

When Application was made to France that Court proceeded with the utmost Caution. It was easy however from the whole Intercourse to perceive two things (1) That both The Court & Nation of France were very desirous that we should be supported & succeed (2) That at the same Time they were exceedingly doubtful whether it was safe for them to involve themselves much with us or openly to take our Part.

This Backwardness arose plainly from two different Causes which seemed to have almost equal Influence (1) Jealousy of us least we should not adhere to our Resolutions but draw back & make Peace with England (2) A necessary Fear of the Power of England and particular its Naval Force. They have hardly even yet been *wholly* free of either of these apprehensions.

The Affairs of the United States were never in a more critical situation than in December 1776 when Congress went to Baltimore—there never was a greater need for or greater Anxiety to obtain foreign Aid. The Number that attended Congress then was small but their Measures were decided & I believe judicious. I do not remember one Word of Despondency to have fallen from any Member or the most distant hint of a Desire to *draw back* & make submission to England. But the Means of persuading France to [in]terpose effectually was the great Subject of Deliberation & Discussion.

At that Time there was a Letter or Letters mentioned from a P[er]son in France which intimated that we should make Propositions to France to induce them to support us in an effectual Manner & since this Sentiment was Spoke of coming from that Quarter that if we could put France in the Place of England they would certainly protect us. This came from no official Persons nor was directed to any official Body nor had we any Reason to suppose that it was done at the Suggestion of the Court of France. I do not believe it was. The Proposition was not worthy of being taken into Consideration.

There were however several Persons in Congress who reasoned in this Manner. It is plain we cannot be supported without foreign Aid. There is no Place to which we can apply with Probability of Success but France. We know she is disposed to assist us but We have been given no Sufficient Inducement to that Power to interpose. We have offered nothing to France but what we have offered to every other Nation. The Proposals mentioned were to offer France an exclusive Trade with the united States for a limited Time—or to offer them an exclusive Trade in some particular Articles—or to offer them a Distinction from other Nations in form of Freedom from Imposts &c.

After a very deliberate & accurate Discussion it was the Opinion of a very considerable Majority of Congress to make no such Proposals. That they were contrary to the very Spirit of our undertaking—that if we were to be independent we could be independent of all the World—That to separate the united States from England was an

Object of itself sufficiently interesting to France—That it did not appear from any Communications made to our Commissioners that the Court of France desired any such Preferences but that their slowness & Caution arose from other Causes.

Therefore Congress sent the most solemn Assurances that we never would [give] up or in the least Degree recede from the Declaration of Independence. Soon after this Instructions were given to our Commissioners to propose to the Court of France that if they would enter into the War with us we would assist to the utmost of our Power in the conquest of the West Indies by furnishing Provisions & Stores for the Fleets & Armies of the King of France & by any other Way in our Power and that all such Conquests should remain with France. One of the Copies of these Instructions was taken on the Passage, published in London, republished in Charlestown S. Carolina & from these Papers published in Philadelphia yet neither Friends nor Enemies discerned or suspected from them the nature of the important Debate which had preceeded them.

Soon after the Capture of Burgoyne the Court of France came to a determined Resolution to support us vigorously. The first Authentic assurance of this was contained in letters from our Commissioners of date Dec 16, 1777 & reached us about the last of January 1778 though the Treaty was not subscribed till the 6th of Feb. that year.

It is easy to see from the Treaty itself that the french Court was still somewhat apprehensive of the Issue for they put in the 8th Article that they were not to lay down their Arms till the Independence of America shall have been formally or *tacitly* assured &c.

In the Year 1779 When the first Proposal was made of attempting a Treaty of Peace under the Mediation of the Emperor & King of Spain Congress was called upon to consider & determine upon what Terms of Peace they would be willing to accept at the same time to be prepared for War. At that Time in a very large & full Conference with M. Gerard the french Minister he particularly & strongly recommended to Congress not to be too high in their Demands & indeed discovered an Apprehension that we might mar the Treaty by being so. Probably this might be occasioned or augmented by rash publications at that Time insisting that we ought not to make Peace with out having Canada, Florida & Nova Scotia ceded to us. The Minister took great Pains to represent to Congress that much would depend upon the Opinion the mediating Powers might form of our Temper & Disposition & that it was plain England took all public Pains to represent us as an ambitious People that wanted to extend their Bounds & would be dangerous to other Nations. In this Conference also he told us that the Events of War are uncertain, that therefore we ought not to be too confident & particularly he used this Expression that it was hard to say what might be the Effect of a *decisive Victory at Sea*. If Rodney's victory

in the West Indies had happened two years sooner than it did its Effects would have been perhaps fatal to us.

From this state of Things & all that followed I am convinced that nothing could be more false than the Supposition of some Persons that France wanted the War to continue for the Purposes of Ambition & the greater Humiliation of her Enemy. On the Contrary France always discovered a Desire to have the War terminated & listened to any Proposal for this Purpose perhaps prompted or suggested the Offers of Mediation from Spain, the Emperor & Russia. This was the natural Consequence of the two Causes above assigned for her slowness & Caution in entering upon the War.

Mr John Adams was chosen for the Purpose & the Commission for negotiating a Peace with great Britain was given to him alone. The Instructions at first sent to him contained a Description of our Claims as to Territory & made the following particulars essentially necessary to our making Peace. The Extension of our Bounds to the 45 Degree of Latitude North & to the Mississippi westward—The right of fishing on the Banks of Newfoundland—And a free Navigation of the Mississippi to the Mouth.

When Mr Adams was in France he thought it best to intimate to the Court of England as from himself that he had a Commission for negotiating Peace. The Court of France was of Opinion that that Time was not proper that things were not sufficiently ripe for it & that no such separate Intimation should be made & that it might encourage England in the Expectation of Engaging in a separate Treaty with America & dividing the Allies, a thing which they earnestly desired & made repeated attempts to accomplish. In a Correspondence between Mr Adams & the D. de Vergennes on this subject & also on the Subject of the Act of Congress of the 18th of March 80—estimating the continental Money at 40 for 1, Mr Adams maintained his Opinions with a Tenaciousness which gave great Offence to the Court of France & indeed such was the Manner of his writing upon these Subjects that he was finally forbid to continue it by an express order *de par le roi*.

In the year 1781 Congress entered upon the Reconsideration of the Instructions³ formerly sent to Mr Adams particularly the making essential Conditions of the extensive boundary, of the fishing on Newfoundland & the free Navigation of the Mississippi. The last of these we heard from our Ministers was very disagreeable to the Court of Spain another viz the fishery not very agreeable to the Court of France who had not this Right by Treaty themselves, & the other We had Reason to suspect that the English might be very tenacious upon nor did we know what might be the Sentiments of the Mediating Powers or the P[owers] of Europe in general as to our Right or the Expediency of our having such extensive Dominions. It was also to be considered that as none of these particulars was specified in the Alliance with

France the Question was necessarily reduced to this Form whether though France should not support us in these Claims we would continue the War ourselves unless they were granted.

In this Situation after much & long discussion it was at last resolved as to all the three to depart from making them absolute & essential Conditions least at our Distance it should be a Bar to an otherwise honorable Peace. The Spirit therefore of the final Instructions was that the former should still serve to shew what we wished & thought we ought to Obtain but from a Desire of Peace we left it to our Ministers in Conjunction with our Allies to do what Circumstances should discover to be wisest upon the whole. When these Matters were transacting the Minister of France often intimated both to Committees in Conference with him & to particular Members of Congress that it would be highly agreeable to his Court that Congress should leave nothing as general or undetermined but say expressly upon every particular what they would & what they would not yield. It could not easily be known with Certainty whether this arose chiefly or only from their Jealousy of Mr Adams or whether they preferred upon the whole that as little should be left discretionary as possible least blame should be laid upon themselves.

It was however my plan that this could not be complied with. To have been specific upon every Point & to have brought the States generally to agree upon them as to what might & what could not be given up would have required much more Time than could be allowed by the State of Affairs & probably it never could have been or with Cordiality & Unanimity at all. Besides these are some of the particulars that it was clearly impossible to be absolute & explicit upon for example as to Boundary. How could it be said that it is the Interest of the United States to contract their Boundaries to the westward 100 miles in order to have other Points secured but no Necessity or Advantage as sufficient to make them come in 200 miles. How could the Congress judge of the Sentiments of the Public upon such Matters so as to be peremptory & to make a Demand at the Risk of our Independence or our very Existence. Therefore it was without much Difficulty agreed to continue the Instructions in the general & discretionary Form.

When the Instructions were therefore agreed upon Communications were made of them to the Minister of France & the Directions were given in the same Manner as always had been done to our Minister to make the most free & candid Communications of all his Proceedings to the Court of France & to avail himself of the assistance, friendship & Influence of that Court in all his Transactions. Then a Difficulty arose which was trying indeed, it appeared that this was not sufficient in the present Instance. The Minister read to the Committee the Letters of the D de Vergennes upon the Subject of Mr Adams

complaining of him in the Strongest Terms & expressing their fears of the negotiations being marred by his Stiffness & Tenaciousness of Temper. It was natural to suppose & probably was supposed by the Members of the Committee that the Minister wished Congress would take that Commission from Mr Adams & give it to some other though no such thing was read to the Committee from D. de Vergennes letters nor proposed by the Minister himself.

When this Matter was reported to Congress a very serious Deliberation was taken upon it. What Mr Adams had done by which he had incurred the Displeasure of the Ministers of the King of France had been undoubtedly from his Zeal & Attachment to the Interest & honor of the united States. His Ability & his unshaken Fidelity was well known. In such a Case to displace a Minister merely because he had given umbrage to some at the Court where he resided by an excess of well Meant Zeal seemed to be a most pernicious Example & probably would have the worst Effects upon succeeding ministers & therefore ought not to be done. The Writer of this Memorial of Facts in particular was clearly of Opinion that Mr Adams judged wrong in both the Points which he contested in his Correspondence with the D. de Vergennes the Reasons for which need not now be mentioned. Yet he was as clearly of Opinion to sacrifice a Minister of unquestionable Integrity ought not on any Acct to be submitted to merely because he had more Zeal than good Manners & therefore it was proposed that a Clause should be added to the Instructions to this purpose and that he should *do nothing without the Consent & approbation of the Court of France.*

Another Committee was appointed to confer with the Minister & made this Communication. But in Conference this also was in his Opinion insufficient. He repeated the Fears they had of Difficulties with Mr Adams & insisted that by this New Clause he was only bound negatively that he could not indeed do any Thing without the Consent of the Court of France but he might obstruct every Measure & unless he were perfectly satisfied effectually prevent any Thing being done.

When this was repeated to Congress the Matter appeared exceedingly delicate & difficult. It was discussed at great Length. All the Objections against removing Mr Adams remained in their full force. But on the other it appeared humiliating at least if not dangerous to deliver ourselves up entirely to the Court of France. However after full Deliberation it was agreed by the Majority in Congress to add to the Instruction that he should be *ultimately guided by the Opinion & Judgment of the Court of France.*

As This particular Resolution appeared so dubious to several Worthy Members of Congress & there were so many Attempts to recon-

sider & revoke it and as it will in due Time be the subject of discussion by the Public at large it seems necessary to recollect which Circumstances are fresh in our Minds & to record the Necessity or the Reasons that induced the Plurality to embrace it. It is not intended in this recollecting Memorial to attempt distinguishing between the Opinions of one Mem[ber] & another but just to mention as many as possible of the Sentiments that were proposed & advanced by those who finally voted for it.

It was plain that from the first Rise of the Controversy we had been greatly indebted to the Court of France. They had interposed effectually & Seasonably in our Cause. They had exerted themselves with much Vigor & Free[dom &] put themselves to a very great Expense upon our Acct. At the very Time when this Debate was agitated our most necessary Expenses were supported by them & even the Subsistence & Support of many Delegates in Congress was from Bills drawn upon France. We had accustomed ourselves & many public & Authentic Acts to call the K of France our great & generous Ally. Perhaps there were as humiliating Expressions on many of the public Acts & proceedings of Congress as could be in this Resolution which might well be considered as the effect of grateful & generous Sentiments.

FC (DLC: Witherspoon Papers). In the hand of John Witherspoon.

¹ It is not known when or for whom this letter was written, but from internal evidence it is clear that it was written some time after Congress had learned of Adm. George Rodney's victory over the French in the West Indies on April 12, 1782, and apparently in response to the attempt to revise the instructions of the American peace commissioners to free them from the requirement to "do nothing without the Consent & approbation of the Court of France," which was under consideration early in August. As Witherspoon spoke at length on this subject during the August 8 debate over the appointment of a committee to undertake such revision, it seems probable that he may have drafted the observations found here soon afterwards. Cf. Charles Thomson's Notes of Debates, August 8, 1782.

Edmund Burnett printed this document under the date [March ? 1783], five months after Witherspoon's congressional career ended, supposing that it was written in response to concerns voiced in mid-March that the American plenipotentiaries had jeopardized United States relations with France by ignoring their instructions to be bound to the comte de Vergennes, but it seems unlikely that Witherspoon would have undertaken such a detailed review of congressional policy-making so long after he had left Congress. The subject was also debated on December 30, 1782, in the aftermath of the discovery that the marquis de Barbé-Marbois had opposed American claims to the fisheries in his correspondence with the French court, when a motion was offered "to revise the instructions relative to negotiations for peace, with a view to exempt the American Plenipotentiaries from the obligation to conform to the advice of France," but Witherspoon was no more involved in this debate than that of the following March. Cf. Burnett, *Letters*, 7:111–17; and James Madison's Notes of Debates, December 23, 24, 30, 1782, and March 18, 19, 22, 24, 1783.

² That is, the instructions of June 15, 1781. *JCC*, 20:651–52.

³ For the context of this "reconsideration" and an expression of the views Witherspoon articulated during these June 1781 debates, see *JCC*, 20:560–69, 608–9, 618–19, 625–28; and these *Letters*, 17:305–9.

Committee of Congress to George Duffield and William White

Reverend Gentlemen

Philad. 1st Sept. 1782

Our Knowledge of your Piety and publick Spirit leads us, without Apology, to recommend to your particular Attention the Edition of the Holy Scriptures publishing by Mr Aitkin.¹ He undertook this expensive work at a time when from the Circumstances of the War an English Edition of the Bible could not be imported, nor any Opinion formed how long the obstruction might continue. On this Account, particularly, he deserves Applause—and Encouragement. We therefore wish you, reverend Gentlemen, to examine the Execution of the Work, and if approved, to give it the Sanction of your Judgement and the Weight of your Recommendation.

We are with very great Respect, Your most Obedient Huml Servants
Jas. Duane, Chair
in behalf of a Committee of
Congress on Mr Aitkin's memorial

FC (DNA: PCC, item 19). Addressed: "Reverend Dr. White & reverend Mr. Duffield Chaplains of the United States in Congress assem'd." In the hand of James Duane.

¹ The Philadelphia printer Robert Aitken had petitioned Congress on January 21, 1781, to secure authorization for an American edition of the Bible he had undertaken but was fearful of completing "without the sanction of Congress." The scarcity of Bibles had long been of concern, for Congress had been urged to import several thousand from abroad in 1777, and a committee consisting of James Duane, Thomas McKean, and James McLene had been appointed in October 1780 to consider a recommendation for urging the states to regulate the printing of "correct editions of the old and new testament." Aitken's memorial had been referred on January 26, 1781, to this committee (to which John Witherspoon had been added in the place of McLene), which had apparently been consulting with the printer as he proceeded, although no record of its work prior to the writing of this letter has been found. Aitken was obviously now nearing completion of the publication and the committee decided to consult the congressional chaplains before reporting to Congress, which resolved on September 12 to "recommend this edition of the Bible to the inhabitants of the United States" and authorize Aitken "to publish this recommendation in the manner he shall think proper." Accordingly, copies of Congress' resolve, along with Duane's committee letter and Duffield's and White's testimonial were printed in Aitken's new edition, which he announced to the public on September 25. See *JCC*, 18:979–80, 19:91; 23:573–74; and PCC, item 19, 1:59, 63–64, item 78, 1:421–22, 425–28. For Aitken's efforts to secure public support for this undertaking, on which he eventually reported a loss of £4,000 for the 10,000 Bibles he printed, see Thomas C. Pears, "The Story of the Aitken Bible," *Journal of the Presbyterian Historical Society* 18 (June 1939): 225–41; and Margaret T. Hills, "The First American Bible, as Published by Robert Aitken," *Bible Society Record* 113 (January 1968): 2–5. See also *JCC*, 8:733–35; and these *Letters*, 7:311–12, where it is mistakenly asserted that Congress adopted a resolve in September 1777 to direct the Committee of Commerce to import 20,000 Bibles, while in fact Congress adjourned to avoid a final vote on a committee report recommending this action.

Eliphalet Dyer to Jonathan Trumbull, Sr.

Sir

Philadelphia Septr 1st 1782

We had the honor of your Excellcy favr by Brown with the bundle of papers which have not had time thoroughly to peruse. Browns suden & unexpected Departure this day prevents my giving that Answer & Intelligence which Duty required, I had while in Congress Sketchd out 2 or 3 letters for Coll. Williams, Esqr Wales, & Doctr. Gray¹ & in each just touched on some Subjects which designed this afternoon to have enlarged & rather farther elucidated to your Excellency but this Moment after 4 oClock just returnd from Congress Brown Says he cannot wait a minute longer, therefore have only to ask pardon for being oblidgd to referr your Excellency to those letters which they will shew you, for a few Intimations which undigested are scattered in those letters² & shall take the earliest opportunity to give your Excellency some further Information on our publick matters & for which I hope shall be better prepared as at present they lye undecided in Congress.³ Am with the most sincere respect, Your Excellcys Obedt Hle Servt.

Elipht Dyer

RC (Ct: Trumbull Papers).

¹ These letters for William Williams, Nathaniel Wales, and Samuel Gray have not been found.

² Governor Trumbull reported in his September 23 reply to Dyer that Samuel Gray had "sent me an Extract of what you mention to him, relative to the case between this State, and that of Pennsylvania." *Susquehannah Co. Papers*, 7:123.

³ See Dyer to Trumbull, September 25, 1782.

John Hanson to George Washington

Sir

Philadelphia Sept. 1st 1782

Your Excellencys letter of the 28th ult inclosing an Extract of a Letter from Sir Guy Carleton I received last Evening. Tomorrow Morning¹ they shall be laid before Congress and as soon as they decide on the Several matters you have been pleased to recommend to their Consideration their Resolutions thereon Shall be immediately transmitted.²

I have the honor to be with the highest respect and regard, Your Excellencys, most obedt & very humble Servt

John Hanson

RC (DLC: Washington Papers).

¹ Congress apparently did not convene on Monday September 2.

² Washington's August 28 letter, which was a response to Congress' August 12 resolves concerning Sir Guy Carleton's prisoner exchange proposals, was read and referred to committee on September 3. See PCC, item 152, 10:747-49; and Washington, *Writings* (Fitzpatrick), 25:71-72. He indicated that he had proposed "a meeting of Commissioners for the purpose of settling a general Cartel," but wished additional instructions on two points: whether to confirm the exchange of Cornwallis for Henry Laurens, and " 'to exchange Soldiers for Sailors' on the conditions mentioned" [i.e., by Carleton]. For Congress' reluctance to accept the sincerity of Carleton's proposals and its delay in responding to Washington's request for instructions, see *JCC*, 23:544n, 555-58, 581-82; Washington, *Writings* (Fitzpatrick), 25:161, 220-21; and James Madison to Edmund Randolph, September 3, 1782. See also Madison, *Papers* (Hutchinson), 5:141-42n.1.

Hugh Williamson to Alexander Martin

Sir.

Philadelphia 2d September 1782

"You know that the 8th. article of the Confederation says that the quota of each State in bearing the expence of The War shall be fixed according to the value of all located Lands & their improvements in those States respectively. The small States whose lands are valuable and much improved with Towns &c wish to throw the expences of the war on Lands at large by the hundred acres without regarding the quality or buildings. They would lay this beside the 5 per Cent Tax & an excise on Spirits & a Poll Tax. Many pretty reasons are given for this kind of Land Tax as that it will prevent frauds & perjury in valuing Lands & improvements & save a great deal of Trouble. That it will operate as an agrarian Law in making large Landholders despose of their lands & occasion the Country to be well settled. All these arguments, which are not without force, we are obliged to answer by one short & plain argument viz. considering the smallness of our Towns & the great tracts of broken, barren & piney Land in North Carolina, we should, on this plan, be charged with near double the quota of public Debt that should in Justice fall to our share. Therefore we are not bound in Justice to consent, nor are we bound in honor, because the confederation expressly fixes another mode. In our Public Letter¹ you was informed by Mr. Blount & myself that we should certainly oppose the report of the Committee² with this explanation I hope you will approve of our determination. Should we, supported as we shall be by the Southern States, be able to carry a Recommendation for Taxes to fund & pay our Quota of the National Debt according to the confederation it would certainly give you & every lover of the State pleasure to find that our State was among the first in adopting an Honorable & Just measure. Most States in the Union have their annual Elections in the autumn & of course their session for the more weighty business of

Government is on the beginning of Winter. Congress will doubtless fix their plan & send on their recommendations before that time and as this scheme is to comprehend the payment of all past & future debts you will not wonder that we are solicitous that the assembly should meet especially when you add the seperate consideration, That it may be proper for our State to determine what is best to be done with the vacant Lands."

I have the honor to be,

Hu Williamson

Tr (Nc-Ar: Governors' Letterbooks).

¹ Not found.

² Williamson was clearly anticipating the September 4 report of the grand committee on public credit, on which he served and which numbered among its recommendations land, poll, and excise taxes. See *JCC*, 23:545–47. See also North Carolina Delegates to Martin, October 22, 1782.

Daniel Carroll to Thomas Sim Lee

Dear Sir,

Pha. 3d Sepr 1782

I flatterd myself that on reaching this City¹ I shou'd have had it in my power to have given you some information relative to peace. We are yet without any but via New York. Neither Congress, or the French Minister have a tittle, which appears extraordinary, & not to be accounted for any other ways than by supposing the dispatches to have fallen into the hands of the Enemy. Many here believe the British Ministry to be in earnest, for my part I doubt it. You will see by Leslys order that it is probable Charles Town is evacuated before this time.

We have wrote a few lines in a public Letter by this post,² When I was in Annapolis Col. Hindman show'd me the returns made of the Inhabitants amounting If I remember right to abt 162 thousand, one return only wanting. Our State has been rated at 250 thousand, all under that number will probably be in our favor on the adjustments of the ensuing quotas. I am on a Committee on that Subject³ & wish to be informd as speedily as possible. I hope you & Mrs Lee will lay your Commands on me whilst I am here. I am Dr Sr. with sincere regard, Yr Afft hble Ser,

Danl Carroll

[P.S.] Present my Comps to the Gent of the Council.

RC (MdHi: Lee, Horsey, and Carroll Papers deposit, 1988).

¹ Carroll had taken his seat in Congress on August 28. *JCC*, 23:533.

² Not found.

³ That is, the grand committee on public credit appointed on July 22. Although Pres. John Hanson had been added to the committee as the only Maryland delegate then in attendance, Carroll replaced him upon his arrival. See *JCC*, 22:408n.1, 23:564.

James Madison to Edmund Pendleton

Dear Sir

Philada. Sepr. 3. 1782.

The cautious ear which your favr. of the 26 Aug.¹ shews that you gave to the communications of Genl Carlton is fully justified by the insidious marks they bear as well as by the general tenor of British proceedings. I am sorry that I am obliged to repeat my inability to add any new lights from Europe on this interesting subject. We are unhappily left exposed to all the misrepresentations which the Enemy may please to practise upon us.

It appears from a New York paper that the British Commander in Charleston had given notice on the 7th. Ult. to the Inhabitants that he meant speedily to evacuate that Garrison; with an offer to transport to Augustine or elsewhere such as chose to adhere to the British cause. This information will probably have reached you before this does. The fermentation at New York is said to be much increased by it. We have no other materials for ascertaining the probability of an evacuation of the latter port than you will be possessed of.

I have seen nothing of the man in pursuit of your Nephews slave, from which as the French troops are now passing thro' this place, I infer that he has fulfilled his mission & returned. A slight indisposition for some days past has kept me from being about as much as I otherwise should I have however made application to Mr. de Marbois for his advice as to the most proper Course to be pursued; and he thinks it will be best to postpone a search under the orders of the Commanders till the army shall be stationary again. This will not I suppose be the case till they reach their destination.² At present they march in several divisions and halt but one day here. The implication which the frequent applications of this sort carry of at least a defect of vigilan[c]e against an illicit resort of slaves to the army renders them I believe rather unpleasant. If the overseer should not have recovered the slave & you have no acquaintances where the Army may finally halt, I will take every step in my power to have him found out & secured.

The effects of the dry weather here although less than you describe them in Virginia are very considerable already in the markets, and particularly in the article of forage. On the other side the rumors of peace have produced some abatement in the prices of imported articles.

Mr. Jones & his lady are mending fast but are not yet sufficiently recovered to remove from their present salubrious situation into the City.

I forgot to mention the unlucky accident which had happened to a ship of the line belonging to our Allies in Boston Harbour. As I observe however that it is published in the gazette, I need only confirm the fact.

RC (NN). Reprinted from Madison, *Papers* (Hutchinson), 5:101–2.

¹ Ibid., pp. 79–81.

² The comte de Rochambeau's immediate goal was to rendezvous with Washington's army at Peekskill, N.Y., which he achieved in mid-September. In late October, however, the French army marched for Boston where it embarked for the West Indies by the end of the year. See Lee B. Kennett, *The French Forces in America, 1780–1783* (Westport, Conn.: Greenwood Press, 1977), pp. 161–62.

James Madison to Edmund Randolph

Dear Sir

Philada. Sepr. 3d. 1782.

You will again be disappointed at the opening of this, since it will contain no European intelligence on the subject of peace. Among other reasons which render it astonishing that we should be so long uninformed, a material one is, that neither the Court of France nor our Ministers can be insensible of the inexpediency of leaving the people at large so much exposed to misrepresentations of the Enemy. I am happy to find by your letter of the 24th¹ and those recd. from my other correspondents by yesterday's post, that so cautious an ear is given to every thing which comes from them of a flattering aspect.

The inclosed hand bill published a few days ago will inform you of the steps taken at Charlestown towards an evacuation of that place. It is said to have given fresh violence to the fermentations at New York.

Another {petition from Kentucky}² has been {received by Congress}; contending {for the right of Congress to create new states and praying for an exertion of it in their behalf}. A {copy will be sent} to {the Governor} by {the delegates}. Mr. {Lee moved that the original} should be {referred to him by Congress. The debate} which {ensued} was terminated by {an adjournment and} has not {been revived}.³

General Washington writes to Congress that Carlton had concurred in the proposition for a general Cartel so far as to appoint a Commissr. for that purpose.⁴ There is little probability however that he has authority to settle such a cartel on the principles which Congress had in view, namely those of a national convention. It was thought by some that this would put to the test the sincerity of their professions on the subject of independence.

I believe I did not acquaint you on a former occasion that the prisoners who have lately returned from captivity in England were {discharged in consequence of an agreement by Franklin} that a {like number of the army of Cornwallis} should be {given for them. This bold step} at first {gave much offence. Compassion however} for {the patriotic captives stifled reproaches}. They will probably {come out yet unless} subsequent {events discountenance them}.⁵

There are it seems {three letters in the post office from Carlton to the Governor} which do not {appear to have been licenced} nor is it {known how they got into that channel.⁶ The curiosity of people on this point is in}con{ceivable}.

A very unlucky accident has happened to one of the fleet of our allies. After it got safe into the Harbour of Boston, the unskilfulness or negligence of a pilot suffered a 74 to strike on a rock, the wound occasioned by which proved mortal. Most of the furniture has been saved.

I have not yet presented the note to Cowan⁷ which you have been so good as to enclose to me. The general obstacle to advances here to be replaced in Virga. has been the ballance in trade agst. the latter. This is the current answer to attempts to negotiate draughts on Virga. My next will inform you of the result of the experiment of your note. If its success depends merely on a confidence in your credit, it will certainly be productive. Mr. Ross has unlimited credit in this place, may it not be made instrumental to our supply? At least it would be well to consult him when an occasion presents. His bills on Whiteside will command any sum that may be wanted.

Our friend Jones & his family have experienced much efficacy from the climate of Germantown. It will however be some days, perhaps weeks, before he fixes his abode in the City. The difficulty of getting a proper house seems likely to prove as tedious an obstacle as the convalescence of his family.

The french army has been passing through this place for several days Northward. The last division will pass tomorrow or the day after. The praises bestowed on their discipline & sobriety in Virginia, are repeated here with equal cordiality & justice.

RC (DLC: Madison Papers). In Madison's hand, though not signed. Madison, *Papers* (Hutchinson), 5:103-5.

¹ Ibid., pp. 77-78.

² Words printed in braces in this text were written by Madison in the official Virginia cipher.

³ See Charles Thomson's Notes of Debates, August 27, 1782.

⁴ See John Hanson to Washington, September 1, note 2.

⁵ See Virginia Delegates to Harrison, August 20, note 3.

⁶ For an explanation of Sir Guy Carleton's letters to Gov. Benjamin Harrison, see Madison, *Papers* (Hutchinson), 5:106n.10, 147-49.

⁷ That is, Jacob Cohen, for whom see Madison, *Papers* (Hutchinson), 5:79n.12.

Virginia Delegates to Benjamin Harrison

Sr.

Philadelphia Sepr. 3d 1782

Yesterday's Post arrived without any letter from your Excellency.

We laid before Congress the resolution of the assembly, relating to

the emission of the 18th of March 1780, and the destruction of the old Continental money by Commissioners within the state, which was refer'd to the Superintend't. of finance to report generally upon as the steps to be taken on the Resolution of our Assembly, will be applicable to other states Similarly circumstanced.¹

The Resolution of Congress relative to the Garrison of York has, we are informed, by the Secretary of Congress, been transmitted to Yr. Excellency through the War department.²

We shall endeavor to procure and send to Your Excellency, *a Copy of a Copy* of a Petition which was presented to Congress from Sundry Inhabitants (as set forth in the Petition) of *Kentucky* of a similar nature to three others which have at Sundry times made their appearance in Congress.³ We think it may serve as a foundation for an inquiry, as well into the causes of the grievances set forth, as into the movers of such Petitions. We have only to remark that the Persons who deliver them, do not act the most open part but keep themselves incog. while some apologies (tho lame ones in our opinion) are offerd for the evident marks of Spuriousness these Petitions generally bear on the face of them, by Certain Gentlemen in Congress. We must observe, that this last Peti[ti]on, tho pretended to be a Copy of an original one is accompanied with no certificate of its being so; while the Petition is in one hand writting, and the names in four or five different hands, and not written by *each subscriber*.

We leave to your Excellency the Propriety of laying it before the next Session of Assembly.

The Grand Comme. for devising ways and means to pay the Interest of the National Debt, have among other things reported it as their opinion—"that the Western Lands, if ceded to the U.S. might contribute towards a fund for paying the debts of these States"—But no part of their report has yet been acted upon.⁴

A Rumor prevails that the combined fleets of France, Spain, & Holland, have formd a Junction in the British Channel—& that they have fallen in with & taken eighteen or twenty of the Quebec fleet, but nothing Authentic has been received relative to this or any thing else from Europe since our last.

We have the Honor to be with every possible respect Yr. Excellys. most obedt & very Humb. Svts.

J Madison Jr.

Theok. Bland Jr.

A. Lee

RC (PWacD: Feinstein Collection, on deposit PPAmP). Written by Bland and signed by Bland, Lee, and Madison.

¹ See Virginia Delegates to Harrison, August 27, 1782, note 2.

² See Virginia Delegates to Harrison, July 23, note 3, and August 6, 1782.

³ See Charles Thomson's Notes of Debates, August 27, 1782.

⁴ See *ibid.*, July 31, note 3; and John Witherspoon to William Livingston, August 14, 1782.

John Hanson to Philip Thomas

Dear Doct.

Philadelphia Sep. 4th 1782

I have received yours of the 29th by Mr. Mantz and that of the 26th by the post. I wrote you of the 30th I think¹ by I do not know who and inclosed a performance of Common Sense² and also the news papers which I hope you have received. The letter was intended to go by Gen. Gates but I was too late by an hour or two.

I have been so much taken up with public Business and have been so long absent from my little farm that I have almost forgot how much of it is now Stubblefield and Cant say whether it would be prudent to sew any of it this fall with small grain it would I think be right if my Crop of Corn will not be Sufficient to bring the year about to sew A larger quantity of Rye. I suppose about between forty & fifty Acres ought to be sewed in wheat & Rye (about the usual quantity) and the remainder of the Cleard ground saved for Corn & Oats. I do not purpose to Clear more than three or four Acres A year in future not only in Justice to the Landlord but to safe the wood as much as possible—you Say my well is not finished. I hope they have found water plenty And that what is now to do it is the wall.

As to my serving as a Delegate in our assembly next year I hope my friends will Excuse me. I think the public Can have no further Claim to my services. I have performed my Tour of Duty and they must give me a discharge, retirement to people of my age must be most desirable and I hope I shall enjoy it in future without being Censured for withdrawing from the public Service.

Congress expects to be reimbursed the Expences of maintaining the prisoners and are now and have been for some time endeavouring to bring the British General to a liquidation And settlement of those Accounts, and to force a payment of the Ballance, which must be very Considerable. In Conformity to the generals Ideas Congress adopted the plan of enlisting the Germans or permitting them to go into Service for a Certain sum of money to be paid to the United states;³ this Scheme it seems is not likely to Succeed, but which has hitherto prevented any thing Else being done with them. Your plan of letting them out on Security for their return when Called for, is thought by many members of Congress to be a very good one, and perhaps would have been adopted had not the other have been recommended.

I think you have been Extremely Ill used in the instance you mention but the Secretary at war I believe is not to blame. He it is probable Knew nothing of you, And the person who has been preferred was I

suppose recommended to him. If Our Governor and Council had any hand in it I should think them most ungrateful and their Conduct highly Censurable, and if it is a fact I Shall make no Scruple in letting the Governor Know that I think you have been Ill treated.

I am pleased to hear you have been able to Collect So much of the red money, if the Executive do not think themselves Authorized to receive it only at the Exchange at the time of payment, yet the next assembly may think it right to Settle it at par, as the money went out as Specie and no loss will be Sustained.

Nothing less than being invested with all power both Civil and Military would in my opinion Satisfy a Certain Class of people and so little regard have they to the Common rights of mankind for which we have been so nobly Contending, that had they power I am persuaded, so far from reaping Any advantage from Shaking off our dependance upon great Britain that we should be reduced to a Mere abject State of Slavery than we should have been in by Continuing to be Connected with them, however I am not in the least Alarmed at their threats, and shall forbear Saying Any thing more on the Subject.

Congress have had no Official Accounts from Europe for near five months, neither has the Minister of France had any Since the 30th March. At a time when it is Said a general peace is negotiating, to be Kept so intirely Ignorant how matters are going on is very distressing And may prove very Injurious. I sincerely wish for peace, but I am Still afraid it is not so near as most people Seem to imagine. I cant help Suspecting the Sincerity of the British and that they are endeavouring to amuse. Charles Town I believe is Evacuated And it is probable the Enemy will leave new york Some time this fall. They Can employ those troops to much better purpose in the West Indies, and if hereafter they find it necessary, they Can repossess themselves of both these places whenever they please. We Shall leave this place about the Sixth or Eighth of November and Shall return either by Lancaster or Baltimore, A passage across the Bay being too uncertain at that Season. If you Could make it Convenient to Call at Philadelphia on your return home from the Eastern shore we Shall be happy in having your Company. Mother Sends you a yard of Cambrick and your other affairs Shall be Attended to. We are well little Cate was never better and g[lives] in love to pappan and her little sister & Brother.⁴

RC (MdHi: Hanson Letters). In Hanson's hand, though not signed.

¹ Hanson's last known letter to Thomas is that of August 23.

² See Jonathan Jackson to Oliver Wendell, August 30, 1782, note.

³ For Congress' efforts to reduce the cost of the upkeep for German prisoners of war, see Morris, *Papers* (Ferguson), 5:90–93, 563–64.

⁴ Hanson also sent Thomas the following brief letter on September 10.

"I received yours by the post—have inclosed the last paper. It Contains a good deal of intelligence not very favourable towards our wishes for a general peace.

"1500 foreign Troops Sailed from New York on Board of 5 Transports on Saturday week. It is said they are destined for Hallifax. We are all well and join in prayer for yours and the Childrens happiness." Hanson Letters, MdHi.

James Duane to Henry Glen

Dear Sir¹

Philadel. 5th Sept. 1782

I had the pleasure of your favour by Mr Ellice and feel much for your Situation. To be exposed for debts contracted for the publick while your Reward for your Services is withheld is a hard Case indeed. I will chearfully give you my candid Advice. Get your Accounts settled without Loss of Time. Mr Denning I think has Authority to do it. Without this it is impossible you can be reliev'd if there was ever so much money in the Treasury. Congress will not fail to urge the States to pay every publick Creditor & Servant their Just demands, and to provide Funds for the discharge of the Interest till the principal can be also Satisfied. The States must provide those Funds or be dishonored. Perhaps you have a Claim on your immediate Employer for the Advances made by his particular Engagement or direction. This, if so, may be a Basis of more speedy Relief, and draw forth a special provision, present my Compliments to Mrs Glen, Mr & Mrs. Cuyler and believe me to be—in great haste—Dear Sir, Your most Obed. huml Servt,

Jas Duane

RC (NN: Henry Glen Papers). Addressed: "Major Henry Glenn."

¹ Maj. Henry Glen of Schenectady, N.Y., had been an assistant deputy-quartermaster general and an agent for the commissioners of Indian affairs in New York. His accounts remained unsettled in 1786. *JCC*, 30:116.

John Witherspoon's Draft Resolves

[September 6? 1782]¹

That in order to remove all doubts and jealousies which may exist in the States respecting the claims of individuals or Companies of Men by purchase from the Indians of any of the lands within the cessions, Be it declared That all purchases and Deeds from any Indian or Indians or from any Indian Nation or Nations for any land within the cessions which have been or shall be made for the use and benefit of any private person or persons whatsoever; and Royal grants within such ceded territory inconsistent with the chartered rights, Laws and customs of the States making such cessions shall be deemed and taken to be absolutely void and of no effect.

1st. R[esolved] That if the several States claiming the exclusive prop-

erty of the western lands would make cessions to the united States agreeable to the recommendation of Congress of the 6th day of Sept. 1780 and the resolutions of the 10th of October 1780, it would be an important fund for the discharge of the national debt.

2d. That therefore it be recommended to those States which have made no cessions to take the above recommendation and resolutions into consideration as soon as possible and determine thereon.

3. That it be recommended to those States which have made cessions not entirely agreeable to the above recommendation and resolutions to reconsider the same and send the result to the united States in Congress assembled.

MS (DLC: Witherspoon Papers). In the hand of John Witherspoon.

¹ In the midst of the debate on the report of the grand committee on western lands which had been taken up on September 5 and 6, John Witherspoon moved to postpone debate on the two amendments that had been offered to the report and to take up instead "the following set of resolutions." For the four resolutions that Secretary Thomson copied into the journals following Witherspoon's motion, see *JCC*, 23:552. The first three of these are nearly identical to the numbered resolutions of the present document, but the fourth is entirely different from Witherspoon's opening paragraph here. His motion was adopted on a roll call vote and referred to a committee consisting of himself, James Madison, Joseph Montgomery, Samuel Osgood, and John Rutledge, which submitted a report on September 12 that was taken up and rejected on September 25. See PCC, item 186, fol. 53; and *JCC*, 23:604–6.

Whether the present draft was prepared by Witherspoon for consideration on September 6 or was a product of his work on the committee appointed that day is not known, but his opening paragraph is found in neither of the texts recorded in the journals. Edmund C. Burnett inexplicably misrepresented this paragraph as a proposed "4[th]" resolve, for which see Burnett, *Letters*, 6:463–4. For Madison's explanation of Witherspoon's motion and their work on the committee to which it had been referred, see Madison to Edmund Randolph, September 10, 1782; and Madison, *Papers* (Hutchinson), 5:115–18nn.14–17.

Samuel Osgood to John Lowell

Dear Sir.

Philadelphia Sepr. 9th. 1782

I am inform'd that a Committee of Officers of the Massachusetts Line of the Army, are appointed to attend at Boston the next Session of our Legislature on Matters specially relating to themselves. From what I have hitherto been able to collect of their Mission, I am induced to believe that it is principally to obtain some express Promise of our Legislature relative to half Pay for Life after the Close of the War. If this should be their Aim; a few Observations may not be unreasonable; It is happy for the State, that you were in Congress when the Memorial of the deranged Officers in the Connecticut Line, was considered.¹ It plainly appeared then, that Congress could not agree upon any Thing that would answer the Views of the Memorialists. The

Promise of half Pay for Life which was made the 21st of October 1780 has occasioned considerable Difficulty. It has obstructed the reducing of the Officers of the Army—because those who were opposed to half Pay, would not on that Condition Vote for a Reduction, & those that were for it, would not agree but upon that Condition.

But how can the Legislature of Massachusetts take up the Matter? Will the State undertake to make a Compromise for the half Pay? There could be no Objection to this, if the State could do it with Safety & give no Offence to several States in the Union. But as it is altogether a national Matter, if the State should enter into any such Agreement without the Consent & Approbation of Congress; you are sensible from what you heard observed, when the Memorial from the Connecticut Officers was under Consideration, that some of the States will not agree to excuse any State in Requisitions for half Pay, notwithstanding it may have made a Compromise with its own Officers.

If half Pay for Life is agreeable to the State, they can instruct their Delegates in Congress to be in Favor of it. But without such an Instruction, I beleive they will conclude that they are acting conformable to the Sentiments of the State, in opposing it. I have no doubt at present, But it will be finally referred to the several States to do in this Matter as Wisdom & Justice may direct. But whenever this is made a serious Question in Congress it will be warmly opposed; because some of the States are exceedingly in Favor of half Pay and will do all they can to make the discharging of it a national Matter, from a Supposition, that it will have a Tendency to cement the Union or, (which I think is more probable) from an uncertainty, whether, if it is referred, their own Legislatures will think it reasonable to give half Pay for Life to their Officers indiscriminately.

The Arguments in Support of half Pay for Life must be drawn from the Sufferings & hard Services of the Officers—The Sacrifice they have made in their private Fortunes—And the Injury done to their Constitutions—That their Mode of Life in the Army has disqualified them for any other Employ.

In Opposition to these Arguments, it will be said that no Country ever gave half Pay for Life, which did not maintain a standing Army—That in the American Army, as the Promise stands at present, it will be an exceeding unequal Reward.

Our Officers are very numerous, & many of them have not performed nine Months actual Service.

That in the Distribution of Rewards, equal Justice ought to be a governing Principle—But many of our old & best Officers will receive a much less Reward, than younger Officers. I need not endeavor to prove this, by Doctr. Halley's Calculations to ascertain the Value of Annuities.

What Reason then can be given, why an Officer that left a Family which depended upon him for Support & Protection, & hazarded his

Life at the Expence of all his domestic Feelings, should not be, at least, entitled to the equal Favors of his Country?

I flatter myself, that I am a very sincere Friend to the Army—But I am sure I should be unworthy of the least Confidence, if ever that Friendship should become so prevalent, as to obliterate the Idea that the Rights of the Citizen are to be preserved as inviolable as possible. The Army I doubt not mean to become Citizens again. But as an Army, making a special Contract for themselves, they are not Citizens—And let the Fatigues & Hardships of the Army have been ever so great, they cannot in Reason, found any Right to so much of the Interest of their Country, as would render it miserable afterwards, if not destroy those Priviledges, for the maintaining of which the Army was instituted. If it should appear that half Pay for Life is an excessive, as well as an unequal Reward—it would be paying an ill Compliment to the good Sense of the Army, to suppose that they would wish for any Thing inadmissable in it's Nature: But if admissable altogether disproportioned to the real Merits of it's Individuals—To undertake to prove that the Abilities of the Country will not enable it to comply with the Promise, would be a hard Task for me. I am not possess'd of Documents to go thro a Calculation with any Degree of Accuracy. But on general Principles I can ascertain the annual Amount of half Pay of the Army. The Amount of the Debts of the united States, & the Debts of the several individual States cannot be ascertained with any Degree of Accuracy.

The half Pay of the full regimental Establishment of the Army, for one Year is nearly as follows—

Infantry

88 Colonels	@ 75 Dollrs. each per Ann. is	39,600
88 Lt. do.	@ 60	31,680
88 Majors	@ 50	26,400
792 Captns.	@ 40	190,080
792 Lieuts.	@ 26 $\frac{2}{3}$	126,720
792 Ensigns	@ 20	95,040
88 Surgeons	@ 60	31,680
88 Mates	@ 40	21,120

Artillery

4 Cols.	@100	600	2,400
4 Lt. do.	@ 75	450	1,800
4 Majors	@ 62 $\frac{1}{2}$	375	1,500
48 Captns.	@ 50	300	14,400
48 Lieuts.	@ 33 $\frac{1}{3}$	200	9,600
114 2d do	@ do	do	22,800
4 Surgeons	@ 75	450	1,800
4 Mates	@ 50	300	1,200

Cavalry

4 Cols.	@ 93 3/4	577 1/2	2,310
4 Lt. do	@ 75	450	1,800
4 Majors	@ 60	360	1,440
24 Captns.	@ 50	300	7,200
48 Lieuts.	@ 33 1/3	200	9,600
24 Cornets	@ 26 2/3	160	3,840
4 Riding Masters	33 1/3	200	800
4 Surgeons	60	360	1,440
4 Mates	40	240	960
20 Brigadier Genls.	1500	750	15,000
12 Major Genls.	2000	1000	12,000
			683,810

Hazen's Corps consisting of four Regiments is not contain'd in this Estimate—Neither the Hospital Officers about fifty in Number, nor two Partizan Corps, are mentioned. It is impossible, for Want of accurate Returns, to know what Allowance ought to be made for Deficiencies in the several Corps of Officers—But the Deficiencies are nearly all in the lowest Grade of Officers. I beleive the annual Estimate cannot be short of the above Sum. As Massachusetts has hitherto been call'd upon, her Proportion will be about 120,000 Dollars to discharge the half Pay annually.

The Amount of the national Debt cannot be ascertain'd with Precision, but I apprehend we may place the Proportion of Masstts. @

5,000,000 Dollrs.

Let us suppose her private Debt to be—

4,000,000

Amt. 9,000,000

Annual Interest @ 6 per Ct.	540,000
Do. Amo. of half Pay	120,000
National Expendrs. to Support	} 30,000
Civil List of U.S. &ca—	
Civil List of Masstts. and	} 60,000
other Contingencies	

750,000 Dollars

I doubt not but you will be in my Opinion, that this Calculation is made upon the most moderate Principles. It is calculated for Peace; & goes not to the discharging of any of the Debt. But as the War is not yet closed, & probably not so near a Close, as many apprehend; we must calculate for War.

How much Masstts. can pay annually without distressing her Inhabitants too much is a Question I cannot resolve. But until Credit is established upon a uniform steady Basis, discontent will prevail, &

Government will be obliged to push Taxation beyond what the People will cheerfully submit to. Whilst on the one Hand, the public Safety is endangered thereby—on the other, the Cry of Injustice on Account of broken Promises, will not cease to be made by those, whom Experience may have taught to put little or no Confidence in public Faith. Until Principles are adopted & persevered in, that will operate equally among all Classes of People, the Brow of Sorrow & Uneasiness will not be smooth'd into a happy Contentment. But this is a Subject on which your superior Knowledge & Opportunity therefor, forbid me to say much.

The Subject of half Pay induced me to take up my Pen. It ought to be treated with Calmness & Deliberation—because many of the Officers of our Army merit very particular Acknowledgements from their Country. I beleive them to possess enlarged & liberal Minds; that they will always be ready to meet a fair Argument & give it a candid & fair Answer.

In October 1780 Congress reduced the Army to 57 Regiments²—And nearly 40 Corps of regimental Officers retired under the Promise of half Pay for Life. Comparing the great Number of Officers, with the Number of Men then & before in the Field, it must be concluded that many of the Officers never had a single Man to command in the Field.

Can the Officers then, in actual Service at this Time, advocate the Idea of half Pay in all its present Extent? On what Principle? Is it because the Officers may have had a continental Commission, & lived several Years upon the public without performing any real Services? No. Their Arguments must be drawn from a different Source. The Officer who retired under the Resolutions of Octor. 1780 performed less Service for his Country, than the Officer will have done, who is to retire on the first of January next—And if the War should not be closed—those who will remain in the Service several Years longer, will be entitled to more Attention, as having made a greater Sacrafice in the Service of their Country. Upon what other Principles can a Composition be made with the Army that will be satisfactory?

Let us view the Matter from Appearances at present in Congress—can the States which are sanguine in this Measure ever expect to carry it thro? When the annual Estimates are bro't into Congress, the Amount of the half Pay must be particularly specified, & as it is an Appropriation of Money, Nine States must assent thereto by the Confederation, which is not at all probable will ever be obtained. In this View of the Matter the Promise of half Pay stands upon a very slender Foundation. It is probable that the Subject at large may be taken upon in January next, on a particular Reference: should the Officers of the Masstts. Line think it adviseable to Join a Petition to Congress, requesting Leave to compromise with the State, it would have a Ten-

dency to Support the Plan which Genl. Lincoln was about submitting to Congress. And I am perswaded that sooner or later the whole Matter will be referred, & recommended to the several States to do as their Wisdom may direct.³ I must request you to excuse so long a Letter upon a single Subject.

I am, Dear Sir, with great Esteem, Your most obedient Servant,
Samuel Osgood

RC (DLC: Osgood Papers).

¹ For the petition of the "deranged" Connecticut officers, which had been referred to the superintendent of finance on July 19, 1782, see Charles Thomson's Notes of Debates, July 30, 1782, note 2.

² JCC, 18:893-97, 959-61.

³ Osgood later learned that this letter had been used to help ensure Massachusetts' rejection of a petition of the state's officers for half pay. Finding himself under "no small Degree of Anxiety" as a result, he was subsequently moved to defend and explain himself, for which see Osgood to Henry Knox, December 4, 1782.

John Witherspoon's Speech in Congress

Mr President,

[September 9, 1782]¹

I must entreat the attention of the house, while I endeavour to state this subject with as much brevity and perspicuity as I am master of. It is not easy to forbear mentioning, yet I shall but barely mention, the distressed and unhappy situation of many of the persons concerned in the public loans. I shall also pass by their characters, as whigs and friends to the American cause. I shall pass by the services which many of them have rendered, in their persons, by their friends, by their purses, and by their prayers. These are affecting considerations, which ought not, and which I am confident will not fail, to have their weight with every member of this house. Let us then, leave these topics altogether, and let us confine ourselves to the duty and interest of the United States in their present situation, when the care of their affairs is committed to us who are here assembled.

Public credit is of the utmost moment to a state which expects to support itself, at any time; but it is all in all in a time of war. The want of it defeats the wisest measures, and renders every department torpid and motionless. It cannot be denied, that by many unhappy, if not unwise measures, public credit among us has been reduced to the lowest ebb, first by a monstrous and unheard of emission of paper money; next by an act of bankruptcy, reducing it to six pence in the pound; then by a table of depreciation.² There remained but one thing which preserved us some degree of respectability, that the promises made to lenders of money before a certain period, had been kept for three years; but now as the last and finishing stroke, this also is broken to pieces, and given to the winds.

Let not gentlemen cry out as before, why distinguish these people from other public creditors? I do not distinguish them by asking payment for them alone; but I distinguish them, because their circumstances and disappointment give a new and disgraceful stroke to the credit of the United States. I distinguish them, because I hope that their sufferings and complaints may induce us to take some step towards the payment of all. Strange it is to the last degree, that this comparison should seem to set gentlemen's minds at ease—because great injury has been done to one class, therefore the same may and ought to be done to another. In this way it would be very easy to rid ourselves of both, and to say, why all this noise about loan-office certificates? have not all the receivers of continental bills suffered as much or more than they, and had the immense sum of two hundred millions sunk in their hands? If this would be a good answer in one case, it certainly would in the other. Now is it proper or safe in our present situation, to refuse all kind of payment to the public creditors in this country, so numerous and so variously circumstanced? Let us examine it a little.

We are now endeavouring to borrow, and have the hope of borrowing money in Europe. Is this the way to succeed? Is it not possible, is it not highly probable, that our treatment of our creditors here, will soon be known there? Nay, are not some of our creditors interested in this very measure, residing there? Must not this repeated insolvency, neglect and even contempt of public creditors, prevent people from lending us in Europe? I am sorry to say it, but in truth I do believe that it is their ignorance of our situation and past conduct, that alone will make them trust us. I confess, that if I were at Amsterdam just now and had plenty of money, I would give what I thought proper to the United States, but would lend them none.

It is to be hoped, that in time truth and justice will so far prevail, that our posterity will fee the necessity of doing their duty; but at present we seem but little disposed to it. By making some payment to the public creditors immediately, and prosecuting the measures already begun for further security, we should obtain a dignity and weight abroad, that would procure money wherever it could be found.

Let us next consider the effect upon our credit at home. It has ever been my opinion, that if our security were good, and our credit entire, so that obligations by the public would be turned into money at any time, at par or at little less, we should find no inconsiderable number of lenders. Every thing of this kind proceeds upon such certain principles as never to fail in any instance of having their effect. From the general disposition, that prevails in this new country, real estate is less esteemed, and money at interest more, that is to say comparatively speaking, than in the old. Now, whatever success we may have in Europe, I am persuaded we should still need, or at least be much the better of loans at home, which are in their nature

preferable to those abroad; and therefore whatever leads utterly to destroy our credit at home, does an essential injury to the public cause. Nay, though there were not any proper loans to be expected or attempted at home, some trusting to public credit would be necessary, to make those to whom we are already indebted patient, or at least silent for some time. To this may be added that annihilating public credit, or rather rendering it contemptible, has an unhappy influence upon every particular internal temporary operation. People will not seek your service, but fly from it. Hence it is well known, that sometimes stores and ammunition or other necessities for the army, have stood still upon the road till they were half lost for want of ready money, or people who would trust you, to carry them forward.

We must now go a little further, and say, that if this proposition is enforced, it will be a great hindrance to the payment of taxes, and raising the supplies which must be called for from the states. I do not insist upon what has been already mentioned, that the payment proposed would enable many to pay their taxes; because, though that is certainly true with respect to those who shall receive it, and though it is admitted they are pretty numerous, yet in my opinion, it is but a trifle to the other effects of it, both in the positive and negative way. It would give dignity to the public spirit, and animation to the people in general. It would give the people better thoughts of their rulers, and prevent murmuring at public persons and public measures. I need not tell this house how much depends in a free state, upon having the esteem and attachment of the people. It is but a very general view that people at a distance can take of the management of men in public trust; but in general it is well known, they are abundantly jealous, and as ready to believe evil as good. I do not speak by guess, but from facts, when I tell you that they say, we are now paying prodigious taxes, but what becomes of all the money? The army, say they, get none of it, being almost two years in arrear. The public creditors say they get none of it, not even interest for their money. This was told me by the county collector of Somerset county, New Jersey, who was not a contentious man, but wished to know what he ought to say to the people. Now this small payment, as it would be very general, would be much talked of; and I am persuaded, for its general good influence, would be worth all, and more than all the sum we shall bestow. I have heard it said in some similar cases, you must sometimes throw a little water into a pump, in order to bring a great deal out of it.

Now, on the other hand, what will be the consequence of a total refusal? You have told the public creditors, that you have no money in Europe to draw for. They will very speedily hear of this loan in Holland. They are sufficiently exasperated already; this will add to their

indignation. They really are already sore; their minds will be rankled more than ever. They are looking with an evil eye upon some new men coming into play, and thinking themselves unjustly and ungratefully used. I believe they are not so much without principle, as to turn their backs upon the public cause; but a spirit of faction and general discontent, upon such plausible grounds, may do it essential injury. They may combine to refuse their taxes; and if any such unhappy association should be formed, it would spread; and many from a blind attachment to their own interest, would pretend to be upon the same footing, though they have no concern in the matter: and if this disposition should become general, it would put an entire stop to all our proceedings. This discouraging prospect is not merely founded on conjecture. I have been told that there have already been meetings for entering into concert for refusing to pay taxes. Is it possible we can, in our circumstances, more profitably employ the sum mentioned in the motion, than in giving satisfaction to a deserving body of men, and in preventing evils of so alarming a nature.

It is possible, Sir, that some are comforting themselves with their own sincerity and good intentions; that they ultimately resolve to pay all honourably; that they have taken, and are taking measures to prepare for it. A sum of money is called for on purpose to pay the interest of the public debts; and the five per cent. impost is appropriated to the same purpose. But, Sir, it will take a considerable time before the most speedy of these measures can bring money into the treasury; and in the mean time the late step of refusing to draw bills, has given such a stroke to loan-office certificates, that their value is fallen to a very trifle—the spirits of the people are broken—a gentleman told me the other day, I see the loan-office certificates are gone, as well as all the rest of the money. The inevitable consequence will be, that hard and irresistible necessity, or incredulity and ill humour, will make them part with them for a mere nothing; and then the greatest part of them by far will really be in the hands of speculators. When this is notoriously the case, I shall not be at all surprised to find that somebody will propose a new scale of depreciation, and say to the holders, you shall have them for what they were worth and generally sold at, at such a time. Past experience justifies this expectation, and no declaration we can make to the contrary, will be stronger than that of Congress in the year 1779, that they would redeem the money,³ and that it was a vile and slanderous assertion, that they would suffer it to sink in people's hands. I know particular persons also, who by believing this declaration, lost their all. Now, if this shall be the case again, public faith will be once more trodden under foot; and the few remaining original holders of certificates will loose them entirely, being taken in connection with those who purchased them at an under value.

MS not found; reprinted from John Witherspoon, *The Works of John Witherspoon . . .*, 9 vols. (Edinburgh: J. Ogle, 1815), 9:117–24.

¹ Witherspoon probably delivered this speech on September 9, shortly before Congress adopted a resolution directing the superintendent of finance to order the commissioners of loan offices “to issue no bills of exchange for the interest which hath or may hereafter become due on loan-office certificates since the first day of March last.” *JCC*, 23:555. For the background of this debate, see also Witherspoon’s Speech in Congress, July 22, 1782.

² That is, the congressional acts of March 18 and June 28, 1780, for which see these *Letters*, 14:521–23, 15:375–77, 383.

³ A reference to Congress’ circular letter of September 13, 1779, for which see *JCC*, 15:1051–62; and these *Letters*, 13:495n.3.

David Howell to John Brown

[September 10–11, 1782]

“Being one of a grand Comte. he¹ examined all former propositions & the principles on which they were grounded & left No Stone Unturn’d to Obtain Justice, it was put at 1/50, at the first Meeting of the Comte but his Colleague² who is intirely ‘free from *local prejudices*,’ Neighther did or would say that he thought it High enough & That it ought not to be more than one fiftieth, He said he thought we had not Suffer’d more in proportion than an Avarage with the Other States—& the next meeting it was fixed at 41 3/4 as it was finally determined, & wch you’ll See is the Same propor[tion] as we paid in July 29, 1775, the first Contl. Tax. That his Colleague without ever Saying that he thought it too High *Moved* that 2,800 pounds Should be taken from Ours, & put to N Jersey, with what [. . .] You may Guess, I however Seconded his Motion, wch. he has never done *for* me Since I have been here. Not a Single member Voted in Fav. of it Excepting ours³—and that one told him (Cornell) that he did not believe it to be too high, & that he would Vote Against it himself, if he had tho’t it woud Pass. Cornell Was to leave him the next Monday at all events to take An Office Under Mr. Morris, Inspector of Beef, Pork, Rum &c in The army,⁴ he is to have Abot. 2,000 Dolrs. per Annum wch. Ellery told Howel, that Cornell said when it passed was Insufficient & had repeated the Same to Him (Howel). When the Impost is adopted he should propose Some Little Addition. Cornell told Howell, he should be for Addopting the Impost if [it] Cost him half he had in the World.

“As fast as the Accots. are Setled & Liquidated they draw Interest. The funded Debt Chiefly of Contl. Certificates with other debts due wch. is dayly Increasing, as fast as Accots. are Setled & Liquidated they draw Interest & are put on the list Amot. to Upwards of 12 Miln. Dolls. Debts due on the Staff Officers Certificates & on Accots. open with

our Army &c Supposed to Amount to between 7 & 8 Miln. Those due on Foreign Loans About 25 Miln. An Arreage of Interest is due on the funded Debt

Foreign Debt	Dolls. 5,000,000
Domestick Debts when liquidated	20,000,000
Annual interest at 6 per Ct.	1,200,000

July 29, 1775 Voted that the final proportion be according to the Number of Inhabitants of all ages Including Negros & Mulattoes, but as this Cant at present be Obtained the followg is to be the proportion to undergo a revision & Correction when the list is Obtained.

July 29, 1775. R.Is. propor[tio]n of

3,000,000 was Dolls. 71,959 $\frac{1}{2}$ —1/41 $\frac{3}{4}$ ⁵

Decem 26, 1775—see the Resolve upon the same principals⁶

Nov. 22, 1777—of 5,000,000. 100,000—1/50⁷

Jany. 5, 1779—of 15,000,000. 300,000—1/50⁸

May 21, 1779—of 45,000,000. 750,000—1/60⁹

Octr. 6, 1779—of 15,000,000. 200,000—1/75¹⁰

Feby. 25, 1780—of 6,000, of Specifics & Money—1/69 fare¹¹

Jany. 8, 1781—of 80,000. 1,160—1/69 fare¹²

Mar. 23, 1781—of 6 Million. 116,585—1/51¹³

Nov. 2, 1781—of 8,000,000. 216,684—1/37¹⁴

Augt. 10, 1782—of 1,200,000. 28,800—1/41 $\frac{1}{4}$ percent¹⁵

Tr (RPJCB: Brown Papers). Endorsed: "Extract from Mr. Howells Letr. to Brother Jno. B. dated 10th & 11th 1782."

¹ That is, Howell, who had been appointed to the grand committee on the public credit, for which see Howell to Brown, August 10, 1782, note 3.

² That is, Ezekiel Cornell.

³ Cornell's motion to redistribute part of Rhode Island's quota was only one of eight similar motions made by various states—all were defeated. Only William Few of Georgia voted with Cornell and Howell. See *JCC*, 23:564-71.

⁴ The superintendent of finance had offered Cornell the post of inspector of contracts for the Continental Army in May, but Cornell had sought to postpone his acceptance until the end of the year. Precisely when Cornell finally succumbed to Morris' pleadings is not known, but the superintendent informed Washington of Cornell's acceptance on September 12, and his commission was issued September 19. See Ezekiel Cornell to William Greene, July 31, 1782, note.

⁵ *JCC*, 2:221-22.

⁶ *JCC*, 3:457-59.

⁷ *JCC*, 9:955.

⁸ *JCC*, 13:28.

⁹ *JCC*, 14:626.

¹⁰ Actually October 7. See *JCC*, 15:1147-50.

¹¹ *JCC*, 16:196-200.

¹² *JCC*, 19:38.

¹³ *JCC*, 19:299.

¹⁴ *JCC*, 21:1090.

¹⁵ This congressional resolve was actually adopted on September 10, not August 10, 1782. *JCC*, 23:564.

James Madison to Edmund Randolph

My dear Sir

Philada. Sepr. 10th. 1782

The loss of the French 74 in Boston Harbour presented an occasion which was embraced by Congress, of making a small requital to their Ally for his benevolent exertions in behalf of the U.S. They have directed the Agent of Marine to replace the loss by presenting in the name of the U.S. the Ship America to the Chevr. de la Luzerne for the service of his M. C. M. The *States* were unanimous in this vote. The {dissenting members were Bland and Jones of Georgia}.¹ Independent of the motive of Gratitude, it was {certain that our resources could not launch the ship before the winter; that before the spring she would be scarcely worth launching; that it was prudent therefore to dispose of her and more so by gift to France than by sale to either France or Spain}.

The report of the Grand Committee "that the western lands if ceded to the U. S. would be an important fund &c." was the subject of the deliberations of Congress on Thursday & Friday last.² After the usual discussion of the question of right, and a proposal of opposite amendments to make the report favor the opposite sides, a turn was given to the debate to the question of expediency, in which it became pretty evident to all parties that unless a compromise took place, no advantage could ever be derived to the U.S. even if their right were ever so valid. The no. of States interested in the opposite doctrine rendered it impossible for the title of the U. S. ever to obtain a vote of Congress in its favor, much less any coercive measures to render the title of any fiscal importance; whilst the individual States having both the will & the means to avail themselves of their pretensions, might open their land offices, issue their patents, and if necessary protect the execution of their plans; without any other molestations than the clamours of individuals within & without the doors of Congress. This view of this case had a manifest effect on the most temperate advocates of the federal title. {Witherspoon} moved a set of resolutions recommending to the States which had made no Cessions to take up the subject, & to the States whose cessions were not entirely conformable to the plan of Congress, to reconsider their acts;³ And declaring that in case of a compliance of the several States claiming the back lands, none of their *determinations* with regard to *private property*, within their cessions shall be *reversed or altered* without their consent, except in cases falling within the 9th article of the Confedon. On this motion the report was postponed & these resolutions committed. The report of the Committee on the last article will probably determine the ultimate sense of Congress on the pretensions of the companies.

Every review I take of the Western territory produces fresh convic-

tion that it is the true {policy of Virginia} as well as {of the United States to bring the dispute to a friendly compromise}. A separate {government can not be distant; and} will be an {insuperable barrier to subsequent profits}. If therefore the decision of the State on the {claims of the companies} can be {saved} I hope {her other} conditions will be {relaxed}.

On the notification given to the inhabitants of Charleston of the approaching evacuation of that garrison, a committee of the Merchts. with the license of the commanding officer waited on Govr. Matthews with a proposition; that they might be permitted to remain in the town in the character of neutrals for 18 Months, to sell their goods freely for money or produce, and remove with their effects to G. B. or elsewhere finally, together with several other indulgences still more extraordinary. The answer permits them to stay for 6 months, to sell their goods as requested, & to make their remittances to Neutral ports. I fully anticipate your feelings on this transaction.

Mr. Cohen has given me hopes that your letter will produce the desired effect within the present week.⁴ The bill on Mr. Holker for 200 Drs.⁵ is very acceptable, but both together do not make me independent even for a moment. The continuance of your exertions which your favr. of the 30 Ult.⁶ promises will therefore be necessary. I need not repeat to you how sensible I am of your kindness on this subject.

I am making out a State of my accts according to the request of the Auditors, on the new idea; & expect to transmit it soon in a form which will render less of their labor necessary. With it I shall inclose a copy of the scale of Depreciation of this State.⁷

Genl Washington has moved with his principal force down to Verplanks point. His object, if he has any material one, is not yet disclosed.

7 Ships of the line part of a fleet under Lord Hood is arrived at N. York, and 1500 foreign troops have embarked for Halifax.

We are still left by our Ministers in the most painful suspense with regard to events in Europe. The arrival of a packet at New York has supplied us with the articles published in the inclosed Gazette. The new revolution in the British Cabinet in favor of the Shelburne party has a sinister aspect on peace. Unless however this party be reinforced out of the late adminisuation it must be too feeble to resist the popular champions whom they have exiled from office.

Adieu.

RC (DLC: Madison Papers). In Madison's hand, though not signed. Madison, *Papers* (Hutchinson), 5:115–17.

¹ Words printed in braces in this text were written by Madison in the official Virginia cipher. This September 3 vote is not recorded in the journals. On that day Robert Morris, as Agent of Marine, requested an immediate meeting with a committee (Samuel

Osgood, John Rutledge, and James Madison) to whom he suggested giving the *America* to France to replace the lost *Magnifique*. Congress quickly concurred with the committee's favorable report and the presentation was made to the chevalier de La Luzerne on September 4. See *JCC*, 23:543; *PCC*, item 28, fols. 233-34; and Morris, *Papers* (Ferguson), 6:302n.2, 303-4, 306.

² See Virginia Delegates to Benjamin Harrison, September 3, 1782, note 4.

³ See John Witherspoon's Draft Resolves, September 6, 1782.

⁴ See Madison, *Papers* (Hutchinson), 5:78n.12.

⁵ *Ibid.*, p. 95.

⁶ *Ibid.*, pp. 91-92.

⁷ Neither Madison's accounts nor the "scale of Depreciation" for Pennsylvania have been found, but see Madison to Virginia Auditors, August 20, 1782.

David Ramsay to Nathanael Greene

Dear Sir,

Philada. Sept. 10th 1782

Your favor of the 14th of August came safe to hand on the sixth of September, for which I am much obliged to you.

The prospect of an evacuation of Charlestown had reached us several days before by the way of New-York. Prior to that we had sent in to Sir Guy Carleton the names of 429 persons to take the benefit of the flags which he had on a former occasion agreed to grant.¹ They are now in high spirits & determined to return as soon as possible. The evacuation of Charlestown will not terminate the troubles of the people of Carolina. I foresee much to be done & more to be suffered before the country will be completely organized in every department. Now is the time for a spirit of moderation & sound policy to manifest itself. I very much fear the madness & unforgiving temper of some whigs. To reconcile, to unite, or as the chymists say, to amalgamate the people into one homogeneous body would be a divine work. I feel myself happy that my tour of duty lies in a distant part of America.

This will be handed you by an express who carries to you a resolution of Congress countermanding your orders to repair to head quarters;² this resolution would not have been carried at any other season; but, it was said on all hands your army would be useless here till next Spring, & that you might as well remain in Carolina till February. I am therefore well pleased that the enemy did not evacuate as early as was at first expected. If you think proper to undertake the reduction of Augustine, the resolution is expressly worded in such a manner as to leave it fully in your power. It is certain that the Southern states would be greatly relieved by a successful expedition into E. Florida. The people of that province will receive such a powerful reinforcement of refugees all instigated by a spirit of revenge, & a wish to repair their broken fortunes, that Carolina & Georgia (when left without an army) would probably

suffer more from their incursions than when the British army was cooped up within the walls of Charlestown & Savannah.

We have no accounts from our ministers in Europe respecting the negotiations for peace. So long an interval between dispatches from Dr Franklin, Mr Adams &c was never known. We know nothing of that business but through our enemies. This circumstance makes us very cautious in every step we take.

Congress is now busy in arranging their public debts. They have voted 1,200,000 dollars to be immediately quoaded on the several states to pay the interest due to all public creditors. To appropriate the western territory as a continental fund to pay the principal is the wish of the smaller states, but, the scheme is warmly opposed by the larger ones. Mr Morris recommends duties & taxes to operate all over the states; but, the members of Congress seem averse from this scheme, & to prefer an assignment of a quota to each state, & they to use their own discretion in raising that sum. Your letter of the 11th of March gave offence to a few individuals in Congress; but, their number was small.³ The Legislature of New-York has recommended a continental convention for the purpose of strengthening the hands of Congress. The idea is a good one, & I wish it to take place but, I fear that Congress will not adopt it.

Yours most respectfully,

David Ramsay

RC (ScU: South Caroliniana Library).

¹ See Ramsay to Greene, June 9, 1782, note.

² See South Carolina Delegates to Washington, August 17, 1782.

³ For Greene's March 11 letter protesting that the southern army faced dissolution without an immediate infusion of pay, clothing, arms, and supplies, see PCC, item 155, 2:433-40; JCC, 22:201-2; and Morris, *Papers* (Ferguson), 5:12n.10.

South Carolina Delegates to John Mathews

Sir Philadelphia September 10th 1782

Your favour of the 15th ulto. by Mr. Sansum was safely deliver'd by him on the Evening of the 7th instant; the Accounts you give us of the Circumstances inducing the Beileif of an approaching Evacuation of Chs. Town, are very agreeable, and we sincerely hope that an Event so much to be wished for, either actually has been, or very shortly will, be carried into Execution.

We have the pleasure of inclosing you the certified Copy of a resolution of Congress Obtain'd yesterday agreeable to your requests respecting the Continuance of Genl. Greene in the Southern Department with the Troops under his Command, till the further Orders of the Commander in Chief; also a resolve referring the matter to the General who we doubt not, will upon due Consideration direct ev'ry

necessary Step for establishing the Tranquillity & Safety of the Southern States.¹

Congress have determind upon a Demand of 1,200,000 Dollars from the States, (to be raisd immediately by such Taxes as may be judged by the States proper & effectual,) for paying the Interest due on L.O. Certificates & other publick Debts when liquidated. The Resolves are ordered to be forwarded by the S. I. Finance together with a Copy of the Estimate of the domestic Debt—There being no fund in Europe for payment of the Interest due on L. Off. Certificates since 1st March last, The S. I. Finance was, by a Resolve yesterday, directed to order the Commissioners of the L. Offices in the several States to Issue no more Bills of Exchange for Interest which hath or may become due since that date.²

In Consequence of the Loss of the Magnifique in Boston Harbour, Congress, to express their Sense of the generous Exertions of his most Ch. Majesty have directed the Agent of Marine to make a Tender of the America the 74 Gun Ship now in New Hamp to Monsr. de la Luzerne for the Service of his Majesty, which has been accepted.

The British Genl. & Adml. have agreed to nominate Commissioners for settling a General Cartel, but from Circumstances we have no Expectation of it's taking place soon. The Trial of Lippincut has been forwarded by Genl. Carleton to Genl. Washington, who transmitted it to Congress where the matter lies Committed. Nothing of moment has occurred since our last by Mrs. Mathews; we still remain without any Official Intelligence respecting our Affairs in Europe, nor have we any News of Importance except what may be containd in the papers inclos'd.³

We have the Honour to be, Yr Excellency's &ca.

P.S. We inclose your Excellency a Copy of Genl. Washington's Letter to us, and also the Copy he sent to us of his Letter of the 18th March last to Genl. Greene. A Letter recd. from the Genl. two Days ago mentions his having had Intelligence from New York of the sailing of Five Transports some days before under Convoy of the Warwick, having on board 1500 of the foreign Troops said to be bound to Hallifax.

FC (ScHi: Middleton Papers). In the hand of Arthur Middleton. Endorsed: "By Heyward Sept. 18th. 1782."

¹ See South Carolina Delegates to Washington, August 17, 1782.

² See *JCC*, 23:545-47, 553-55; and John Witherspoon's Speech in Congress, September 9, 1782.

³ Among the "papers inclos'd" was a copy of Robert Morris' June 18 letter to Theodorick Bland who had chaired a committee, of which David Ramsay was a member, that had been instructed to explore "the practicability and means of procuring supplies for the southern army by contracts." See *JCC*, 22:244, 342; and Morris, *Papers* (Ferguson), 5:432-34.

Virginia Delegates to Benjamin Harrison

Sir

Philada. Sept. 10. 1782.

Your Excellency's favors of the 23 and 30 Ult^o.¹ were recd. yesterday. Not recollecting that any resolutions of Congress declaratory of their ultimate sense with regard to confiscations, have been published, we apprehend that some mistake must have led to your remarks on that subject.² The Journals of Congress for 1779 are not yet compleated. As soon as they are you shall be furnished with a copy. The propriety of applications to the British Commander for a restitution of slaves having never been agitated in Congress, it is impossible for us to inform you with certainty in what light such a Step would be viewed by them. We can only say that in general, all separate & partial transactions between individual States and the Enemy are considered as disaccording with the Spirit of the confederacy, that a solicitation of favors from the Enemy at this juncture may not be very politic, and that there does not appear to us any sufficient evidence that the application in question if made would be attended with success.³

The loss of the *Magnifique* a French Ship of 74-Guns in the Harbour of Boston, was thought by Congress a fit occasion for testifying their sense of the exertions of our Ally in favor of the U States; and they have accordingly directed the Ship *America* to be presented to the Chevr. de la Luzerne for the service of his Most Christian Majesty.

General Washington has moved with the chief part of his army down to Verplank's point. Seven Ships of the line, part of a fleet from the West Indies commanded by Admiral Hood, are arrived at New York; and 1,500 foreign troops have embarked at that place for Halifax.

The Gazette herewith enclosed contains all the intelligence which has yet transpired from the packet lately arrived at N. York from England. Congress are still destitute of intelligence from their Ministers in Europe. The Minister of France is in the same predicament with respect to his Court.

It may not perhaps be amiss to suggest to your Excellency that advantage will probably be taken of this seeming reverse in the prospect of peace, to Speculate on the Staple of Virginia. We hope our Country men will be on their guard against such artifices.

We have the honor to be with sentiments of the highest regard, yr
Excelly's obt. servts.

Theok. Bland Jr J. Madison Jr.

A Lee

Jos. Jones.

¹ See *ibid.*, pp. 74–75, 90.

² Harrison had obviously misunderstood the delegates' explanation of the August 2 Carleton-Digby letter which the delegates had quoted in their letters of August 9 and 13.

³ Accordingly Madison obtained congressional approval this day for a motion directing the secretary for foreign affairs to obtain and transmit to the commissioners in Paris "authentic returns of slaves and other property which have been carried off or destroyed in the course of the war by the enemy." See *JCC*, 23:562–63; and Madison, *Papers* (Hutchinson), 5:111–13.

Eliphalet Dyer to Thomas Shaw

Sir

Philadelphia Sept 11th 1782

Yours of Augt. 1782 inclosing Mr Attmores respecting the Brig Sally, Barry Hartwell Capt, Captured by Capt Champlin is just now come to hand have not had a moments time to look into the affair¹ or to enquire of Mr Wright Stanly who you Inform is Mercht. in this City and Agent for the Crew & the owners. I shall Immediately Attend to it & by the next post Advise you what can be done in the affair, but believe there is no Danger of the Courts sending their Marshal to New London to seize the Estate of your late Deceased brother or any of the owners; if there was an appeal from the Court at New Bern no doubt there was bonds given there to refund in Case that Judgement should be reversed or their remedy must be against the Marshal of that Court. I remember your brother formerly in his life time often mentioned this affair to me & of Mr Miffllins making application to him to refund the Vessell but never knew what was finally done in the affair. I will Consult & apply to the Register & know how the Matter stands but if you are possessed of all the papers which you say were sent to your brother they may be Needfull & perhaps you had better send them when you send the service & return of the Petition &c I sent you by Coll Root to be served on Coll Stanton on your other Affair. I wrote you by Coll Root who left this City to return home about a fortnight agoe.² I gave him special Charge of those papers to send them to you as soon as he arrived at Hartford that you might procure Notice to be given to Coll Stanton to appear before the Court of Appeals at this place the 1st of Octobr Next at which time I have with much trouble prevailed on that Court to sit to hear & Determine your Petition for a New Trial in that Cause. I hope Coll Root has not faild to forward you those papers, tho least any Misfortune should happen have ordered Notice to be given to his Attorney here. I expect Brown, Govr Trumbull express to return here the latter end of this month by whom you may have opportunity to send them.

Am Sr with sincere regards, Yr Hle Servt,

Elipht. Dyer

¹ For the case of the brig *Sally*, see these *Letters*, 7:425–26n.1, 16:26.

² See Dyer to Shaw, August 23, 1782.

John Taylor Gilman to Josiah Bartlett

Dear Sir

Philada. Sept. 11th. 1782

Your obliging Letter of the 17th Ult. I received the 2d. Instt. I observe your Sentiments respecting peace, and those of our Friend. I have been so much of an Unbeliever in this matter, that I can scarcely expect my sentiments to have Weight, Yet I am sure your acquaintance with me is such that you will not think I have any Aversion to an Honorable peace, but on the Contrary that I Should rejoice most Sincerely at such an Event, and my greatest anxiety is that the prospect appears to me so distant.

You will see by the News-Papers accounts of the late Change in the British Ministry—what will be the Consequence time must Determine.

I am Still of Opinion that the Enemy have Hopes of making a Separate Peace with us, but if this is the Case they must be Disappointed. Our Independence and the Alliance with France must go Hand in Hand. Believe it may be depended on that abt. 1500 Troops have lately sailed from New-York, said to be for Hallifax, what their next destination may be I cannot Say, perhaps a Plundering Expedition.

A Resolution has lately passed respecting Interest on Loan Office Certificates which suppose you will see by the time this reaches you.¹ Genl. Washington has removed Head-Quarters to Verplanks Point. The French Army from the Southward Marched through this City a few Days Since are now in the Jerseys. Twelve States are now represented in Congress.²

It was Expected that Rhode Island would have passed the Impost Act but their Assembly broke up a few Days Since without doing it. Nothing done, or likely to be done respecting Vermont affairs, or the Western Lands.

It is so long since we had any accounts from our Ministers in Europe that whether they are Dead or living I cannot Say. I have wrote in several of my Letters respect'g Money; I hope it will not be many Days before I receive some. I Shall be glad to hear from you frequently. Please to make my Compliments to my Friends with you, and believe to be, with much Esteem, Your most Hum. Servt.

John Taylor Gilman

RC (NjMoHP; Lloyd W. Smith Collection).

¹ See *JCC*, 23:553–55; and John Witherspoon's Speech, September 9, 1782.

² That is, except for New Hampshire. Gilman was the only New Hampshire delegate attending until Phillips White arrived November 4. *JCC*, 23:562, 707.

John Taylor Gilman to John Langdon

Sir,

Philadelphia Sept 11th 1782.

Your favor of the 19th ulto I rec'd per post the 2d inst. I enclose you a paper of this day, by which you will see the accounts of a late change in the British Administration, and the King's Proclamation. It appears at present that they are much elated at their Success in the West Indies and the accomodation of their affairs in Ireland.

What their present intentions are, time must determine; have no authentic information from Europe for a long time; hope we shall Soon have Some accounts, which will unfold their present plans.

I believe it may be depended on that 1500 of the enemy's troops Sailed from New York a few days past, said to be bound to Halifax, but perhaps they are on a plundering expedition. I should not be much surprised at hearing of their having made a visit in your quarter. Whatever they may do on shore, I imagine they will make great exertions to distress our Trade.

General Washington has lately moved most of his Army. Head Quarters is at Verplanck's Point. The French troops marched through this City some days since—are now in the Jerseys.

Have not to add but that I am your most hble. servt.

John Taylor Gilman

Tr (DLC: Peter Force Collection).

John Taylor Gilman to Meshech Weare

Sir

Philada. Septr. 11th. 1782.

I Should have wrote you by last Post, but was then informed that I Should have an Oppority by a private Conveyance within One or Two Days, but was Disappointed.

The Letter you did me the Honour to write on the 20th Ult. I receiv'd the 2d Instt. I Inclose you Copy of a Resolution of Congress respecting the Ship America. I Likewise Inclose a Paper of this day by which you will be informed of the late Change in the British Ministry.

It appears at present that they are much Elated with their success in the West-Indies & the accommodation of their affairs with Ireland. What their present Intentions are time must Determine.

By Letters from Genl. Greene of the 13th Ult. are Informed that he Expects the Enemy will Evacuate Charlestown about the beginning of October.

I Shall write you again as soon as I have any thing worthy of your Attention.

I have the Honor to be, With due Respect, your most Hum Servt.
John Taylor Gilman

P.S. Since finishing my Letter dispatches have been receiv'd from Mr. Adams. The accounts from Holland are very agreeable & in some particulars (which I am not at liberty to mention) Exceed Expectation¹—have not time to add as the Mail is Just Closing.

JT.G

RC (MHi: Weare Papers).

¹ For Adams' letters, see Samuel Osgood to John Lowell, September 13, note 1. The accounts which Gilman found to "Exceed Expectation" undoubtedly concerned the progress Adams had reported in negotiating a loan in Holland of 5 million guilders.

Ezra L'Hommedieu to George Clinton

Philadelphia, Sept. 11, 1782.

A Ship arrived here last Evening from Holland, which Place she left the 28th of July: she is loaded with Goods on Account of the United States to the amount of Thirty Thousand Pounds Sterling.

Letters by this Ship confirm the Report of the Capture of the greatest Part of the Quebec Fleet.

We have no Particulars of the Negotiations of a Peace so much talked of. Mr. Adams is still in Holland. Mr. Jay is in France. It is supposed that the late Change in the British Ministry, will for some Time prevent a general Peace, as the present Ministry are much averse to the American Independance.

Congress have for some Time been employed in devising Modes for establishing Funds in the different States on General Principles, for the Payment of Interest on Moneys which now on or hereafter may be loaned: a Land Tax is talked of, and also a Poll Tax, but as all the states must agree, when we consider, that the 5 pr Cent act is not yet complied with, I have not much reason to expect the several States will readily adopt this, if it should be recommended; it is agreed for the present to raise 1,200,000 for the Payment of Interest of Money loaned and for the Interest of debts due from the United States; the Inhabitants of each state to be paid their Interest out of the Monies to be raised in the State to which such Inhabitant shall belong or when the Money was loaned. The Quotas of the States as agreed on are different from the last Quota in respect to each other. Connecticut is 133,200; New York 54,000; New Jersey 66,000.¹

The Resolutions of our Legislature recommending the Convention,² will not I believe have the Effect that many Gentlemen expected, as but very few States seem disposed to grant further Powers

to Congress, and tis said some of the States will not adopt the Act of Congress of for fixing the Quotas for past expenditures otherwise than is directed by the Confederation; however, the Documents our Committee may procure probably hereafter may be of use to the State.

With respectful Compliments to Mrs. Clinton, I am, Sr, with great Esteem your Excellencys very Humble Servt,

Ezra L'Hommedieu

Reprinted from Clinton, *Papers* (Hastings), 8:37–38.

¹ As these 1783 quotas were the states' share of a total requisition of \$1,200,000, their shares were 11.1%, 4.5%, and 5.5%, respectively, compared to 1782 shares of 9.3%, 4.7%, and 6.1%. Cf. *JCC*, 21:1090, 23:564. For the unsuccessful effort of L'Hommedieu and Duane to reduce New York's quota by \$9,600, see *JCC*, 23:569.

² The New York Assembly had adopted a series of resolutions on July 20 and 22 at the urging of Alexander Hamilton and Philip Schuyler, calling on Congress to reform its fiscal affairs and to summon a "general Convention of the States, specially authorised to revise and amend the Confederation." The resolutions were referred on August 16 to a grand committee on the public credit, where they remained unacted upon. On April 28, 1783, they were recommitted to another committee, of which Hamilton was then a member. No action resulted, however, and the measures were referred on July 23 to yet another committee which submitted a report on September 2 calling for postponement of any consideration of the convention proposal until the states completed action on the impost recommended April 18, 1783. See *JCC*, 23:470n.2, 24:256–61, 285n.2, 25:532; Hamilton, *Papers* (Syrett), 3:110–13; and Don R. Gerlach, *Proud Patriot. Philip Schuyler and the War of Independence, 1775–1783* (Syracuse: Syracuse University Press, 1987), pp. 480–84.

James Madison to Edmund Randolph

My Dear Sir

Sepr. 11th. 1782

By a gentleman who setts off in a few minutes I send the paper of this morning containing the British Kings Speech at the prorogation of the Parliament.¹ A Vessel which left the Texel on the 28th of July is in the river. She brings despatches and a valuable cargo of goods for the army.² The despatches will be read to day in Congress. The Capt. who brings them up relates that the Quebec fleet was certainly taken & that the combined fleets were in pursuit of another large fleet supposed to be destined for America—That the Dutch fleet of 22 Sail has departed from the Texel on a cruise in the North Seas—that the British fleet under Ld. Howe in the Channel was shut up in port—that the news from the E. Indies had been contradicted—that the late revolution in the B. administration had put an end to all discourse about peace—that Mr. Adams was at the Hague and had never been to Paris. I regret that I am obliged to substitute the oral accounts of the Capt for the authentic accts. he brings from Mr. Adams. My next will be more satisfactory. Adieu.

J.M.

RC (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:120-21.

¹ This information was also reported by Daniel Carroll to Thomas Sim Lee in the following brief letter of this date: "An express affords me an opportunity of inclosing a paper of this day Containing the Speech of the British King to the parliament the 11th of July. A Vessel is arrivd in this river from the Texell, *it is said* she left it the 28th July & that she has despatches for Congress." Lee, Horsey, and Carroll Papers deposit, MdHi.

² For the arrival of the *Heer Adams* and the disposal of the "goods for the army," see Morris, *Papers* (Ferguson), 6:351n.1, 372-73, 429n.1, 600-601.

James Madison to Edmund Randolph

Dear Sir

Sepr. 11. 4 oClock

The Gentleman by whom I wrote this morning havg. waited till I had the opportunity of knowing the contents of the dispatches from Holland, I take advantage of it to add that we are disappointed by their silence with regard to peace. Those from Mr. Adams relate cheifly to his transactions with the States General.¹ A letter from Mr. Laurens of the 30th of May informs us that he is returning to U. S. having declined the service of Minister for peace.² He appears to have been very unhandsomely dealt with by Mr. A. with respect to his Comission for Holland, which will no doubt be the foundation of mutual enmity. There is an uninteresting part of a letter from Mr. Dana, the first pages of it having been omitted. Mr. Berkeley writes on the 13th of July that the Mail from England subsequent to the resignation of Fox, Burke &c. breathes war.³ He confirms the success of the combined fleets agst. the Qubec &c. & the sailing of a fleet from the Texel consisting of 11 Sail of line—5 or 6 frigates, &c—to cruise in the N. Seas, & the retreat of Adml Howe into Port. A N. Y. paper of the 7 contains a very interesting conversation on [the 10]th July in House of Lords between Shelburne & th[e Duke] of Richmond on the subject of Ministerial politics, in which the latter assigns his reasons for not following the example of Fox &c, and both their sentiments with respect to American Independence. The Duke of Richmond seems tolerably well reconciled to it, but Shelburnes speaks out his antipathy without depriving himself of the plea of necessity. He professes to adhere however to the principles which the Administration carried into office relative to the war agst. America. I have written this in extreme haste. You will be very sensible of it by its incorrectness.

Adieu

J Madison Jr.

RC (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:122-23.

¹ See John Taylor Gilman to Meshech Weare, this date, note.

² For Henry Laurens' letter, see Charles Thomson's Notes of Debates, September 16-17, 1782.

ica. He has waited on Mr. Adams & informed him that he had lost his Commission for the Hague. He seem'd to wish to know of Mr. Adams if his Commission mentioned Mr. Laurens as the intended Minister of Congress at the Hague. Mr. Adams said he would consider the Matter—And when Mr. Laurens call'd upon him again—nothing was said upon the Subject by either of them. Mr Laurens relates the simple Facts without any apparent ill will. Mr. Adams expresses great Joy at having seen his old Friend again & especially that there has been no change wrought in him by his having breathed brittish Air so long. Mr. Laurens gives a considerable History of his Conduct. He says his sufferings have been very great. But that he never once failed to be pointed in his Opposition to them when Opportunity offered—both privately & public he avowed the genuine Sentiments of a true American. I do not feel very unhappy that Mr. Adams is likely to enjoy the fruit of his own Labors obtained without Money, without Corruption, without servile Flattery but by the still, small Voice of Reason.

I expect Mr. Sumner here every Hour³—And then, I hope to see Boston soon.

I have not the Pleasure of acknowledging the Rect. of any of your Favors at this Time—But I am ready to acknowledge how much I am, Dear Sir, Your sincere Friend & humble Servant,

Samuel Osgood

RC (DLC: Osgood Papers).

¹ Letters from John Adams to Robert R. Livingston of April 19, 22, 23, 23, 24, June 9, 14 [*not 16*], and July 5 and 5, are in PCC, item 84, 4:61–78, 85–116. Except for the letter of April 24, these are also found in Wharton, *Diplomatic Correspondence*, 5:315–20, 325–26, 482–83, 493–94, 594–97.

² For Henry Laurens' May 30 letter to Congress, see Charles Thomson's Notes of Debates, September 16–17, 1782.

³ See Jonathan Jackson to Elbridge Gerry, August 3, 1782, note 1.

Theodorick Bland to St. George Tucker

Dear Tucker

Philadelphia Sept. 14th 1782

Before this reaches you, you will probably receive from the same hand a letter of a Subsequent date, as the bearer Mr. Bee¹ will travel slowly, I shall not therefore trouble you with news or Politics. The Principal reason of my writing now is to Inform you that Thompson, one of the Negroes you sold, made his appearance with the French Army as it pass'd through this City—But not liking his new masters Quited them, and fell accidentally into my hands, not knowing how to dispose of him I have requested Mr. Bee to take him with him to Vir-

ginia and deliver him to Mr. Wm. Starke Junr. to whom he tells me he was sold and from whom he Eloped and Joind the French army in Quality of a Waggoner. Mr. Bee has promised to deliver him safe either to You or Mr. Starke. I cannot But think it necessary (as Guardian to the boys and Exr. to the Estate) that you shd. take a Bond from Mr. Starke if it is not already done, for the returning him safe in case of the Contingency on which he was sold happening, at least it may be a means of avoiding controversy. You will excuse my enlarging at present for the reasons above mentiond and believe me to be Yr. affecte Friend,

Theok. Bland

RC (ViW: Tucker-Coleman Papers).

¹ Not identified.

James Duane to Abraham Yates

Dr. Sir,

Philada. 15th Sepr. 1782.

I loose no time in answering your confidential favour of the 7th of Septemr Instant; because it will give me great Pleasure, if in my power, to relieve you from uneasy Reflections. As to the payment of Interest on bills of Exchange I advise you to adhere strictly to Mr Morris's Instructions and then you will not be personally exposed. Where there may be room for doubt you can have it cleard by writing me a Line.

Mr Lhommedieu Joind me a few days after I had parted with Mr Scott so that the Delegation did not Suffer.

I feel much obliged by your Intention to do Justice to your Delegation in providing for it a regular Support. The Inconveniencies, and even distresses, which I have suffer'd and now sustain; by having my provision withheld, demand Redress; and I hope I may add that some Attention is due to my faithful and disinterested Services.

In Answer to that part of your Letter which relates to the Appointment of the Continen[ta]l Receiver of Taxes be pleased to indulge me to state the following facts.¹

By Act of Congress of the 2d of July I had the honour of being appointed Chairman of a Committee of five to enquire fully into the proceedings of the Department of finance;² like Committes were at the same time appointed for the other great Departments, in order that they might be responsible agreeably to the Institution.

In the Course of this Examination which is still executing, the Financier explaiend the motives which induced him to seperate the office of Receiver, from that of Continental Loan officer. He observed

it was necessary for him to act on general Rules—That the Receiver was an officer whose Diligence & punctuality were of the utmost moment to him. That some of the Continental Loan Officers were neither regular in their Returns, nor clear in their Accounts: That, if they had all been capable, it would be improper to throw the Supplies for the War into the hands of the Loan officer as it might expose him to clamour if he refused to pay the Interest when he had money: while, if he satisfied those Claims, the Army might suffer & the publick Safety be endangered. These were some of The Reasons which he said had induced him to lay it down as a general Rule to keep the two offices of Receiver and Loan officer *seperate*; and from that Rule he had not deviated in a single Instance.

He added that he had taken Care, at the same time, that this System should bring no Augmentation of Expence: for the Receiver was to be allowed no more than the same Commission on the Tax, which would have gone into the hands of the Loan officer had the two offices been United.

If, Sir, you are not *wholly* satisfied with this Regulation, of one thing at least you must be convinced that it can imply no Suspicion “of *your* Honesty, Capacity, or want of Friends” and that it never was intended to wound *your* Feelings, & cannot injure *your* Reput[at]ion. Since my last Congress have pressed the States with the utmost warmth to collect 1,200,000 Dolls. to pay the Interest of the Money borrowed from their fellow Citizens, On the publick faith & for the publick Safety. They were compelled to this Requisition by the obstinacy of Rhode Island whose Assembly persists in withholding their Assent to the 5 per Cent duty on Imports & Prizes: & have consequently suspended the entire Operation of this essential Measure.

Be pleasd to present my Compliments to your fire side and to believe me to be—with great Respect, Your most Obedient humble
 Servant, Jas. Duane

RC (NN: Yates Papers).

¹ In his September 7 letter to Duane, Yates complained that he had been “hurt in the appointment” of Alexander Hamilton as receiver of Continental taxes for New York. Yates, the Continental loan officer for New York, was unaware that Thomas Tillotson had already been appointed to replace Hamilton, and in his reply to this letter explained his anger and offered reasons why he should be appointed to that post. See Morris, *Papers* (Ferguson), 6:321, 441; and Yates to Duane, September 7 and October 19, 1782, Yates Papers, NN.

² See Duane to Robert Morris, July 19; and Minutes of the Committee on . . . Finance, July 30, 1782.

Abraham Clark to Joseph Cooper

Sir,¹

Philada. Sepr. 16. 1782

The Legislature of Pennsyla. have Appointed Judge Bryan, Mr Bingham, & Mr. Gray Commissrs. for dividing the Islands & settling the Jurisdiction of the River Delaware, but have not compleated their instructions which are now under Consideration.² As our Legislature will meet this week, they will it is presumed instruct their Commrs., which appear necessary, as their Appointment does not appear to Convey any power more than Obtaining information and reporting the same—this may also be necessary to undergo a revision.³ The business may be easily Accomplished if two matters can be agreed to. One is a reciprocal Jurisdiction on the Navigable part of the Delaware—this I mentiond to you as in my opinion Necessary, since which I am told the same sentiments prevail here; this is intended to grant Jurisdiction to each state over Vessels belonging to the same, and over persons going therefrom to the other while on the River. The other matter is the Island Opposite to Philada. which I believe will be strongly insisted upon to belong to them, and I can see no reason for rejecting their Claim, as it is of importance to them & none to us—unless we should wish to have it purely to injure Pennsyla. without any Advantage resulting to New Jersey. In this settlement I Consider the Islands as belonging to no state, and the convery in jure of both must be Attended to. No difficulty I believe will attend the Division of the other Islands, and I suppose some Equivalent might be Obtained for the Island Above Alluded to. These matters I mention to you to Obtain instructions thereon from the Legislature when they must, as otherwise we should be at a loss how to Conduct.

I hope you will communicate this to Dr. Henderson and Consult him previous to any Communication to the Legislature.

I must inform you that what I have said respecting the desires or intentions of Pennsylvania. I have not learned from the Commissioners but from Other Gentlemen who have Conversed with me upon the Subject, but who I believe delivered the Sentiments of the Commrs.

Delaware had instructed their Delegates respecting the Island and Jurisdiction of the Delaware, which upon examination does not appear to Convey powers necessary for effecting any thing.⁴ The proceedings of our Legislature I have Communicated to Governor Dickinson who promised to lay the same before the Legislature of Delaware at their meeting this fall.

I am, Sir, Your Humble Servt

Abra. Clark

RC (Nj: State Papers).

¹ Joseph Cooper of Gloucester was a delegate to the New Jersey assembly and a member of the committee appointed by the legislature to settle the Delaware River boundary

with Pennsylvania and Delaware. *Votes and Proceedings of the Seventh General Assembly of the State of New Jersey*, p. 101. DLC(ESR).

² George Bryan, William Bingham, and George Gray had been appointed Pennsylvania commissioners for settling this jurisdictional controversy on August 27; their instructions were adopted September 21. *Minutes of the third Session of the Sixth General Assembly . . . of Pennsylvania*, pp. 662, 673, 692, 711. DLC(ESR).

³ The journals of the New Jersey legislature contain no information on revised instructions to the commissioners appointed to settle this dispute. For their previous instructions, see Clark to John Mehelm, October 23, and December 18, 1781. An agreement was reached by the New Jersey representatives—Clark, Cooper, and Thomas Henderson—and their Pennsylvania counterparts on April 25, 1783, which the New Jersey legislature approved the following month. *Votes and Proceedings of the . . . Assembly of . . . New Jersey*, pp. 101–3, 106, 108. DLC(ESR).

⁴ In their February 4 instructions from the legislature, the Delaware delegates to Congress had been instructed simply to “take care that due Regard be had therein to the Right of this State” in the event the issue of “the Property of the Islands in the Delaware” should come before Congress. See *Delaware Assembly Proceedings*, p. 71.

James Madison to Edmund Randolph

My dear Sir

Philada. Sepr. [16] 1782¹

My letters by a private hand subsequent to the last post have anticipated the cheif intelligence from Holland which I had allotted for the post of this week.² I have however one important article which at that date lay under an injunction of secrecy which has been since taken off. Mr. Adams we are informed has contracted with a mercantile House in Holland for the negociation of a loan of 5 Million of Guilders, or about 10 Million of livres, for which he is to give 5 Per Ct. interest, and 4½ Per Ct. for comission & other douceurs & charges, which will raise the interest to about 6 Per Ct. The Principal is to be discharged in five annual payments, commencing with the 10th year from the date of the loan. When the dispatches left Holland, upwards of 1½ Million of guilders had been subscribed, and upwards of 1 Million actually received. The Contractors however made it a condition that none of the money should be paid to the U. S. until the contract should be ratified by Congress. This ratification passed on Saturday³ and, its arrival in Holland will place under the orders of Mr. M.⁴ the money which shall then have been procured. How far the amount will by that time have augmented is uncertain. The Contractors seemed to be tolerably sanguine but not absolutely sure, of getting the whole sum. The partial subscription already secured, is a most seasonable relief to the department of finance which was struggling under the most critical difficulties.

In addition to the preceding fund Congress have been led by a {dispair of supplies from the states to sue}⁵ for a {further loan of four million dollars} for the {service of the} ensuing and {the deficiencies of the present years}.⁶ This {demand will be addressed} in the first

instance to {the court of France. In case of miscarriage there an experiment} will be made on the {liberality of our new friends}.

The Legislature of Rhode Island has broke up without acceding to the impost of 5 Per Ct. Congress have apportioned 1,200,000 Dollars on the States for the payment of interest to the public creditors. Virga. is rated somewhat lower in this requisition than in the last; not however without complaints from some quarters. On these subjects you will have full information from Mr. Lee who will set off in a few days he says for Virga. in order to be at the October Session.⁷

I should have told you that some progress had been made by Mr. Adams in the Treaty of Amity & Commerce with their High Mightinesses. His propositions with the remarks & amendments of the College of Admiralty had been taken ad referendum. It is somewhat extraordinary that he should omit to send us a copy of those propositions & remarks. He had taken no steps towards a {treaty of alliance}.⁸

The debates and explanations produced by the resignation of Mr. Fox and his adherents, have unveiled some of the arcana of the British Cabinet. I inclose them for you complete, as far as they have been published here. If there be any sincerity in the party remaining in office it would seem that the war is not [to] be pursued against the U. S. nor their independence suffered to be a bar to peace. We shall be able to judge better of their sincerity when the proceedings of Mr. Grenville come to our knowledge.

Mr. Cowhan has advanced me £50. of this currency which he says is the utmost that his engagements & the scarcity of money will permit. I have given him an order on you for that sum, in favr. of his partner at Richmond.

Sepr. 17. On Friday two large French frigates bringing money &c for the French army & despatches for Congress & the F. Minister came into Deleaware bay. For want of Pilots in time they got entangled among the bars which perplex the navigation of this bay. The appearance & bearing of the British fleet after pilots were obtained rendered it impossible for them to return into the proper channel. The only expedient that remained was to push forward & attempt under the advantage of high water to force a passage through the shoal which obstructed them. In this attempt one of them succeeded. The other stuck in the sand, and was lost. All the public Stores, particularly the money on board have however been fortunately saved. The Capt. & Crew we fear have fallen into the hands of the Enemy. The Ship it is supposed can not be raised by them, having been skuttled before they took possession of her. The Frigate which escaped is up at Chester. We expect the Despatches will be here today. The Marquis Viominil and 20 or 30 other French officers have returned in these ships.

The Post is not yet come in. Your trip to Wmsbg. I supposed pre-

vented you from writing by him. We can not tell whether he is sick or has been intercepted. The former is the most probable supposition.

RC (DLC: Madison Papers). In Madison's hand, though not signed. Madison, *Papers* (Hutchinson), 5:126–28.

¹ Although Madison supplied no day, the fact that he added the last two paragraphs to this letter on "Sepr. 17" strongly suggests that he began it on the 16th.

² See Madison's two letters to Randolph of September 11.

³ See *JCC*, 23:579–80.

⁴ That is, Robert Morris.

⁵ Words printed in braces in this text were written by Madison in the official Virginia cipher.

⁶ On September 14 Congress also authorized negotiating a \$4 million loan from Europe "exclusive of" the Dutch loan secured by John Adams. *JCC*, 23:577–79.

⁷ Arthur Lee did not actually leave Philadelphia until October 6th. See Madison to Randolph, October 8, 1782, note 11.

⁸ Madison was relating information John Adams had reported in his June 9 letter to Robert R. Livingston, for which see Samuel Osgood to John Lowell, September 13, 1782, note 1.

Charles Thomson's Notes of Debates

[September 16–17, 1782]

September 16th.

A Letter having been recd on the 11th from H. Laurens dated at Amsterdam the 30th May last,¹ wherein he gives an account of his imprisonment and sufferings in the Tower of London, of his release and of the steps leading to it, and of his subsequent conduct; of his informing Doc^t Franklin from Ostend that he declined acting as one of the Commissioners for negotiating a peace, and of his intention to return to America after having visited his relatives in the south of France—a motion was made by Mr Rutledge that Congress should come to a Resolution not to accept his resignation. This was referred to a Comtt consisting of Mr Duane, Mr Madison and Mr Rutledge who next morning,

September 17th, reported two resolutions which were immediately read and agreed to by Congress. The first was to this effect, that Mr Laurens be informed that the reasons which induced Congress to appoint him one of their ministers for negotiating a peace still subsist, and therefore Congress cannot dispense with his services. And the other was to this effect, that the ministers of the United States for negotiating a peace be instructed, each of them, upon receiving information of the time and place of opening the negotiations, immediately to give notice thereof to the rest in Europe in order that they may attend.²

MS not found; reprinted from *NYHS Collections*, 11 (1879): 154–55.

¹ Henry Laurens' May 30, 1782, letter to Congress is in PCC, item 89, fols. 225–32; and Wharton, *Diplomatic Correspondence*, 5:454–59. For Congress' response to it, see PCC, item 186, fol. 54; and *JCC*, 23:584–85.

² There is no mention of these proceedings in the journals, but for the appointment of the committee on John Rutledge's motion and the adoption of its report, which is in the hand of James Duane and was approved by unanimous vote, see PCC, item 19, 3:461–68, item 186, fol. 54.

For the renewal of the congressional debate over Laurens' status, at the initiative of James Madison, see Thomson's *Notes of Debates*, September 19 and 20, 1782.

John Taylor Gilman to Josiah Bartlett

Dear Sir

Philada. Sept. 17th. 1782.

After I had wrote my Letters of the 11th Instt. official accounts from Holland as late as 13th July were received by the Arrival of a Vessell in this Harbour. I Just noted this in my Letter to the Honble. the President of the State¹ & Mentioned that those accounts were very agreeable Especially in some particulars which I was not *then* at Liberty to Mention. This Vessell is One of Three which was Loaded in Holland with Cloathing &c. on account of these United States, which was purchased & Expected would have been brought here some Considerable time past, but was delayed by Vile Mismanagement,² are informed that another of these Vessels is Arrived at Boston by which Suppose you have the accounts of the United Provinces acceding to our Independance, if you have not you will see them by the News-Papers; The particular Circumstance which I had reference to in my Note in the President's Letter is the Negociation of a Loan in Holland. Mr. Adams informs that he has Opened a Loan for 5,000,000 Guilders (Equal to about 1,875,000 Dollars) this Loan is going forward as fast as can be Expected, about one fourth part of the Money was ready when these accounts came away; This will be of great service to us & I doubt not but it will be better managed than some Loans have heretofore been.

I think our Enemies must have given up all Hopes of making a Seperate Peace with Holland, but believe they have some Expectations that the Empress of Russia will Interfere in their favour. Their is some probability that they will Evacuate New-York this fall, but this is altogether Uncertain. It is the general Opinion that the Commanders at New York are not yet Informed of the Intentions of the British Ministry in this particular. If they Should leave that place it is probable they will send a Considerable force into Canada in order to Extend the Boundaries of that Government Agreeably to the Quebec Bill, and that they will Maintain as much Territory to the Eastward as possible, prosecute the War against our Allies with their Utmost Vigour, &

Endeavour by their Emissaries to make a Seperate Peace with us, but this is Conjecture, for my Own part I am at a loss to know whether their withdrawing their Troops with those Views would be of any advantage to us; but if they should meet with any Considerable Loss in the Naval Way before the Close of the Year, they may be Lead to think Seriously of a Genl. Peace the Coming Winter. You have undoubtedly seen the Resolutions for Reducing Officers in our Army, and those other Resolutions respecting Interest on Loan Office Certificates.

Congress have agreed to call on the several States for 1,200,000 Dollars to pay the Interest of Domestic Debts, the plan is not yet Completed but it is Intended that Bills be Drawn on the Several States for their proportions of this sum and that the Holders of public securities within Each State shall be Intitled to payment out of the Monies raised in such State before any others are paid, perhaps this Tax will not be agreeable to the Ideas of some, but what can be done better; the Resolution to prevent Drawing Bills was absolutely Necessary at the time it passed, as we did not then know of any funds on which we had a Right to Draw, and it is in my Opinion Ill policy to pay the Interest of Domestic Debts by foreign Loans. I Suppose you have the Resolutions of N. York (passed some time Since) with respect to Holding a Convention for the purpose of Considering the Articles of Confederation &c.³ That those Articles are Deficient and Imperfect in some degree must be allowed, but the Query is whether their is any, the least probability that a Convention would make any material alterations for the better, which would probably be agreed to by the Several States; I Suppose Our Legislature will be adjourned before this Reaches you, I Should Imagine that they have not come to any determination on this matter.⁴ You will observe by the Resolutions for Reducing the Officers &c. that they are to retire agreeably to former Resolutions which gave Half pay, perhaps this will not be agreeable to our Legislature, but their was no other alternative, they would have been Continued drawing whole Pay, Subsistance &c. if this had not been done—the saving which will be made by this Reduction is Calculated at about 700,000 Dollars Per Annum.⁵

In Two of my Letters to the Honble. the President of the State I wrote respecting Depreciation &c. due to the army for the years 1780 & 81.⁶ I have not had any thing in Answer therefore Conclude my Suggestions on that Subject were not agreeable, but as I then thought, and Still think it to be an affair worthy the Serious attention of the State, I considered it as my Duty to mention it.

In a Letter from Portsmouth of the 31st Ultio. which I Receiv'd Per last Post is a Paragraph to this purport after mentioning the time at which the Genl. Court was to meet my Honble. Correspondant adds "I hope we Shall then Send you a Colleague provided we can find a

proper One but as disagreeable as your Situation is at present I Should think it would be more so to have a Colleague to divide with." I Should not have taken so particular Notice of this Paragraph but I have had several other Letters from different Persons in which are Expressions somewhat to the Same purport; I am not Sensible of any particular Circumstance between me & either of the Gentlemen now in the Delegation, or between me & any One who I think is likely to be appointed that would probably Occasion Division of Sentiment in public affairs; but if it should be most agreeable that Two Delegates should Immediately come on, I hope no Sentiment of Delicacy or any other Consideration as it may personally respect me will prevent them for a Day, for Should Two Delegates arrive here before the time for which I was appointed Expires, I Shall be happy to See the State have a Vote here & Shall Immediately Retire with more pleasure than I came on.

The general Tenor of my Letters will Evince with what Unreservedness I write you, but I Should be happy to give you, & through you any other Friends, more particular information on the Subject of our public affairs if the Conveyance was Safe. The Division & Distraction in the Councils of our Enemy, the wretched State of their Finances, together with the United Efforts of those who are now Opposing them, will I hope Compel them to think Seriously of a general Peace before another Campaign, the war has now been carried on for more than Seven Years & they can furnish themselves with Seventy times Seven Reasons if so many are necessary to Convince their Cruel Obstinacy that they never can obtain their first object, Viz our Dependance on them. That Peace may be Speedily Established on an Honourable & permanent Basis, from which may flow Happiness to Society & much Felicity to Individuals, is the most Ardent wish of One who though he has Contributed but little to the Common Cause of his Country, yet has the happiness on the most Serious Reflection to Consider that his *Mite* has been always ready at his Country's call.

I am with Sincere Esteem, Your Obedt. Servt.

John Taylor Gilman

P.S. Please to make my Compliments to my Friends with you, I need not repeat my desires to have Letters from you frequently, hope in your next you will write me freely & fully.

RC (NhD: Bartlett Papers).

¹ See Gilman to Meshech Weare, September 11, 1782, note.

² For the report of the congressional investigation into this "Vile Mismanagement" of the delivery of supplies from Holland, see *JCC*, 23:700-705.

³ See Ezra L'Hommedieu to George Clinton, September 11, 1782, note 2.

⁴ The journals of the New Hampshire assembly for 1782 contain no mention of "any determination" on proposals for strengthening the Articles of Confederation. *N.H. State Papers*, 8:921-63.

⁵ See Charles Thomson's Notes of Debates, August 7, 1782.

⁶ See Gilman to Weare, July 17 and August 5, 1782.

Arthur Middleton to Edward Rutledge

My dear Rutledge

Philadelphia Sepr. 17th. 1782.

By my friend Heyward I embrace an Opportunity of acknowledging the receipt of your favour by Mr Sansum, with many Thanks for the good Intelligence contained therein, & not without hopes that the flattering prospect of an Evacuation will have taken full Effect before this reaches you. We are sanguine here in these Expectations but &c. Having inclosed the Papers to the Governour, I have not a single Article of News left for you, but as you are in the Cabinet, & of the family, I conclude you will have your full Share of the Feast, tho' It may be as homely as that of Esop. I must however Congratulate you upon the Belgic Declaration;¹ who would have thought a Dutchman capable of any thing so magnanimous when there is little to be got by it except in Speculation. But remember a Frenchman was behind him with *his Sword drawn*—not but I suppose he might have done it without a Stimulus—slow & sure—I hope will be verified as the Buttermilk begins to work, we may, should the war continue, soon expect to see the Days of Van Tromp & De Ruyter renew'd. The allied states now amount to Twenty, God grant an Encrease of them, but not one more in America at least for a Century.

The Alterations in the British Cabinet may perhaps retard the advances towards a general Pacification, But I flatter myself their present Delirium will soon have a Crisis, & they will once more come to their Sober Senses; one thing to me is next to certain, which is, that unless they close very soon & be content to pocket their Losses & their Infamy, the Price of wickedness, a Carte blanche will be the Consequence, & that once more formidable & glorious People be sunk to the lowest pitch of weakness & Contempt; were I to turn Prophet I should not think much of hazarding a Prediction of the National Bankruptcy, the absolute separation of Ireland, (probably that of Scotland), & to crown the whole the Expulsion of the present Evil race of Geese Drivers,² & all the Curses attendant upon those Wars vulgarly called civil which lead to & are consequent of an entire revolution in governments. I am serious & write from reflexion.

FC (ScHi: Middleton Papers). In the hand of Arthur Middleton.

¹ That is, the States General's recognition of the independence of the United States by the United Provinces of the Netherlands.

² The House of Hanover.

Samuel Osgood to Henry Knox

Dear Sir

Philad. 17 September 1782.

It will not appear strange to you that I have taken up my pen to

write you on a Subject in which you are no otherwise personally concerned than as a military person who always ought to have warm military attachments—yet I confidently presume none other than such as are perfectly consistent with our national safety and such as will be always circumscribed within the limits of rational expectation. I know too well your liberal sentiments both towards the Army & the civil confederacy not to suppose that you have formed ideas of both upon the soundest principles of national policy. Impressed with these favourable Sentiments I need not ask your Candor when I explain to you the principles which governed their Committee and I trust Congress itself in adopting the late System for the Adjutant Generals departments.¹ A system no otherwise complained of to my knowledge but as the pay and emoluments annexed to the several Officers are unequal as is supposed to the duties required of these Officers. The Confidence unavoidably reposed in their fidelity and the great necessity of punctuality and energy in the execution of the trust reposed seem to point out as is said pecuniary emoluments as the greatest security for the good conduct of the Officers in that department—or that they be rewarded by Military rank and promotion. The present Adjutant General² (against whose Abilities to execute or promptness in execution no unfriendly insinuation has to my knowledge ever been made) feels himself necessitated to leave his Office unless his pay and emoluments are increased or that he be rewarded with Military Promotion. The pay and emoluments annexed to the Adjutant General by the last System are those of a Brigadier General, if not, it was certainly the views of the Committee that they should be the same—the Number of Rations are particularly specified as well as the Sum for Subsistence—this seems to be complained of—But I think without the shadow of a reason—because Congress are so heartily disposed to gratify the Army in these matters which they can do without any additional expence to the public that if they will make their election and point out what will please them they may either draw all their Subsistence Money in specific Rations or otherwise as is most convenient for them. This in the present mode of supplying the Army is a matter of so little consequence to the public that it may without any application to Congress be adjusted by the financier and Secretary at War—under that head there is no reason of complaint.

The reason given why the pay and emoluments are an insufficient reward for the Services performed is solely because a Brigadier General executes them—and he receives no addition to his pay as a Brigadier General. But if a Colonel, Lieutenant Colonel, Commandant, or Lieutenant Colonel they will severally have such an addition to their pay and emoluments as to make them equal to a Brigadier General. On this the main Argument seems to be grounded—for if these are entitled to an additional pay then certainly the Brigadier General is equally so. I will not say this consequence is a true one—I

think it is clearly otherwise—perhaps no one Office in the Army has been so uniformly the same as to pay and Emoluments as that of the Adjutant Generals. It has always had annexed to it the pay and emoluments of a Brigadier General. The first Officer that filled it had the rank of a Brigadier General—the subsequent ones till the present had the pay and emoluments without the rank³—therefore from former precedents no argument can be raised in support of additional pay. It has been suggested that Colonel Scammell the late Adjutant General quitted the Office because the pay and emoluments would not support him. But from my intimate acquaintance with him I have good reason to believe he quitted the office from a very different reason. It seems to be advanced that the quantum of Promotion in the Officer that fills that Office shall alone govern the quantum of reward without having any regard to Services. I do not recollect ever before to have heard this advanced as a Rule for adjusting Rewards. But otherwise that similar Services generally entitle to similar rewards. With respect to this office I persuade myself Congress adopted the last rule and that let an Officer of which ever of the Grades it is confined to fill the Office his necessary and unavoidable expences would be great as those of any other Grade. Is the Opinion founded in Justice that if a Brigadier General fills the Office and has no additional pay then a Lieutenant Colonel in the same Office ought not to have any?

I think the plain and natural construction of the resolution of Congress is that the pay and emoluments of a Brigadier General are a sufficient reward to induce the most confidential and best qualified Officers to undertake it except Major Generals for no one can suppose that Congress expected they would reduce their own pay by accepting the Office—and the experience of six or seven Years would naturally impress them with this Sentiment that notwithstanding a Brigadier General filled the Office with Approbation and esteem at present yet if it should be our Misfortune to have him removed therefrom on any account Congress had no certain reason to conclude that all the military Geniuses best qualified for that Office were confined to the Grade of Brigadier Generals but on the Contrary that it might be possible that from three lower Grades a person might be found better qualified in every respect to execute the duties of that Office than Brigadier Generals. The opinion may have been a presumptuous one—But I believe it was really so. As to rewarding the services of this Office with Military promotion I believe very few Officers in the Army would be willing to consent to it. It would be attended with so many apparent ill consequences to the peace of the Army that no Arguments need to be adduced in refutation thereof.

That the pay and emoluments annexed to the Office are as great considering the duties as those annexed to a Brigadier General I will not presume to determine. I can easily conceive that the Office is

highly confidential and of the utmost consequence to the peace and safety of the Army—the more so the more honorable.

But I can easily conceive when a Brigadier General has no Brigade, when he can have no command in the Army unless in that Office rather than be idle and eat the bread of an impoverished and reduced Country without rendering any Services therefor, That duty as well as inclination would strongly urge him to accept of such an Office with the pay and Emoluments that have invariably been annexed to it. Surely General Hand will not presume to think that he is the only person that has filled that Office with general esteem and approbation—he will not surely pretend that his duties are more numerous and multiplied than those of his predecessors or that his expences are necessarily greater. If my information is good his duties are not so great and consequently I cannot conceive that his expences are necessarily greater so that I humbly conceive that Congress rather discovered a liberal than a contracted and penurious disposition—Therefore the policy of it stands upon the broad bottom of generous principles. Neither can there be a charge of inattention. Surely the subject was very carefully and very fully examined. It was not hastily adopted—it was several months under consideration and after much conversation on it by the Committee they unanimously agreed. The only objections in Congress against it were that the pay and emoluments were too great. I think from this candid explanation every charge of inattention will be removed. How far it is destitute of respect or any thing else I will not determine—because if the Subject was carefully attended to, if it is founded on liberal principles which in my opinion is clearly the case, I have nothing to do with respect or deference in a public capacity farther than directed by my own Judgment which I hope will ever be free and unconstrained.

Thus Sir I have freely opened to you my Sentiments on a subject which I find has been the cause of very severe strictures. If I am wrong in my opinion, I hope to feel the weight of a rational conviction which I must acknowledge I do not at present.⁴ Forgive me dear Sir for having troubled you thus much and believe me to be with sentiments of the greatest esteem, Dear Sir, Your most obed. Servant

Samuel Osgood

RC (MHi: Henry Knox Papers). In a clerical hand, and signed by Osgood.

¹ Osgood had played an important role in preparing the August 1 “plan for regulating the department of the adjutant general.” The report adopted by Congress is in Osgood’s hand. See *JCC*, 22:425–27; PCC, item 21, fols. 279–82; and Charles Thomson’s Notes of Debates, August 1, 1782.

² That is, Brig. Gen. Edward Hand, who was reappointed as adjutant general under the new system on December 31. *JCC*, 23:733, 837.

³ Brig. Gen. Horatio Gates, and Cols. Joseph Reed, Timothy Pickering, and Alexander Scammell had preceded Hand as adjutant general.

⁴ See also Osgood to Knox, December 4, 1782.

South Carolina Delegates to John Mathews

Sir

September 17th. 1782

For fear of Delay or Miscarriage, We have thought it necessary to forward to your Excellency by Mr. Heyward the above Duplicate of our Letter sent some days ago by an Officer going to New London in Virginia, thence to be dispatched to you by Express.¹ By a Ship from Amsterdam, loaded with Cloathing &ca. to the Amt. of £22,000 Sterlg. for the United States, which arrived here some Days ago, We had the Satisfaction of receiving Official Intelligence from Mr. Adams, of the Acknowledgments of our Independence by the States General of the United Provinces, on the 19th of April, and of his Consequent Admission as Minister of the U States. Mr. Adams's latest Date is of the 5th July, he was then at the Hague, & does not expressly mention an Intention of visiting Paris, nor have we any authentick Account of the then State of the Negotiations for a Peace; it is not improbable but Rodney's Victory in the W Indies, together with the Death of the Marquiss of Rockingham & the Change in the British Ministry may occasion some procrastination in the Settlement of Preliminaries, Tho' we are hopefull the success of the French in the East Indies, which we are willing & have reason to credit, will fully compensate for their Losses under Mr. DeGrasse's Misfortune. Mr. A. has opened a Loan in Holland for 5 millions of Guilders, which is likely to succeed.

Two French Frigates with a Convoy for this Port were some Days since chased into the Capes by some british Ships of force. One of them, a new Ship of 44 Guns (L'Aigle) commanded by Monsr. de la Touche, having money on board for the use of the French Army, being without a Pilot, was unfortunately run aground on the Shears; the money & Dispatches were sent on Shore, but from Accts. recd. we are apprehensive the Officers & Crew are made Prisoners—the Ship having been scuttled will be entirely lost. A Ship loaded on Acct. of the continent is said to have arrived at an Eastern Port.

We have various reports from New York, some of which give us hopes of an intended Evacuation. We are anxious to hear of that of CTown, & wish to have it confirmed by Captn. Joiner whom we daily look for; The Carolina is moved down the river, & apparently will soon have a Crew. The Commodore will, we doubt not, acquaint you with particulars respecting her. We have inclosed the NewsPapers, and have nothing farther to add than that We are,

Your Excellency's Most Obedt. Servants.

FC (ScHi: Middleton Papers). In the hand of Arthur Middleton.

¹ Enclosure not found, but for the FC of the duplicate letter sent "By Heyward Sepr. 18th. 1782," see South Carolina Delegates to Mathews, September 10, 1782.

Virginia Delegates to Benjamin Harrison

Sir

Philada. Sepr. [17] 1782.¹

The copy of sundry late resolutions of Congress herewith inclosed² will inform your Excellency of the necessity they have been under of enlarging their requisitions on the States. This necessity has resulted in part from the perseverance of Rhode-Island in declining to accede to the 5 PerCt. impost.

Since our last a Ship has arrived at this place from Holland, with a supply of goods for the army, amounting in value to upwards of £22,000. Sterlg. The despatches brought by her contain an official notification of the reception of Mr. Adams by the States General, in quality of Minister Plenipotentiary from the U. States. They also inform Congress that some progress had been made, towards a Treaty of Amity and Commerce between the two Republics; and that in consequence of a contract entered into by Mr. Adams with a Mercantile House for the negociation of a loan of 5,000,000 of Guilders, upwards of 1 Million & a half had been subscribed, and upwards of 1 Million actually paid in. It was uncertain however to what amount the subscriptions would be continued.

On Friday last two large French frigates with supplies of money &c. for the French army, and despatches for Congress & the French Minister, came into Delaware bay. Having no pilots on board, they got into a wrong channel, and proceeded in it till the appearance of a superior enemy below rendered it impossible to return into the right one. In this perplexity they pushed forward and attempted to force their passage with the aid of the tide over the shoal which obstructed it. In the attempt one of them was successful & has since got up safe to Chester. The other stuck and was lost. The money &c. and despatches on board her were fortunately saved. It is said that the Capt. and crew have fallen into the hands of the Enemy. The despatches being not yet come up, we can say nothing of their contents.

We have the honor to be with the highest respect Yr. Excellency's
obt. & humble Servts

J. Madison Jr.

A. Lee

[P.S.] The post is not yet come in from the Southward.

RC (NNPM: Signers of the Constitution). Written by Madison and signed by Madison and Lee. Madison, *Papers* (Hutchinson), 5:131.

¹ This letter was undoubtedly written on post day (Tuesday), September 17, especially given the similarity in contents between this and the conclusion of Madison's September 16-17 letter to Edmund Randolph.

² Not found, but probably the resolutions adopted on September 4 and 11 "for payment of the interest of the domestic debt of the United States." See *JCC*, 23:545-46, 564-71.

Elias Boudinot to Richard Howell

Sir,¹ Philadelphia Sept. 18th. 1782.

The Judge Advocate for the united States having resigned his Office, and a Day fixed for the Appointment of a Successor, I thought proper to nominate you as a Candidate, knowing that thereby I was serving my Country. Congress this day proceeded to a Ballot & very generally agreed to your Appointment,² which I suppose will be formally announced to you by the proper Officer. I hope the Office will be so agreeable to you, that you will accept of it, as it is both honorable & Important.³ The salary is 75 Dollars per Month. Two Rations for self & 2 Horses—for a Servt. 6 2/3 Dollars per Mo., rations & Cloathing of a Soldier. 12 Dollars per Mo subsistence & a two Horse Waggon for Papers & Baggage.

Am Sir with great respect, Your very Humble Servt,
Elias Boudinot

RC (DSoc: Miscellaneous Manuscripts).

¹ Howell (1754–1802), a New Jersey lawyer, had resigned a majority in the 2nd New Jersey Brigade in 1779, and later became governor of New Jersey, 1793–1801. *DAB*.

² See *JCC*, 23:586.

³ For Howell's decision to decline this appointment and the difficulties Congress experienced in filling this post, see *PCC*, item 78, 12:245–48; and Theodorick Bland to St. George Tucker, June 17, 1782, note.

Elias Boudinot to Lewis Pintard

My dear Sir, Philadelphia Sept. 18th. 1782

Your two Favours came to hand almost together. I did not arrive here till Thursday Evening. I paid Mr. Robertson on your Acct. £190.0.0 and I have thought that it may be possible, that by accident I may want a Sum of money suddenly. I wish you to write to him, that in Case I should request it, to let me have any Monies on your Acct. tho' I doubt my wanting any. I found every thing here in the News way, uncertain & doubtful. I have seen the Debates in the House of Commons till the breaking up of Parliament. All is Confusion there, and I believe altho' the negotiation will be delayed, that nevertheless it will finally proceed & prevail, so that the Spring will open with Peace. Our Advices by the French Frigate are dated 29th June—all goes very well in Europe.¹ Our Cause is growing Fast to Maturity, and we are becoming more & more respectable in the Eyes of the Powers thereof. Our Alliance will not stop with the Dutch.

The Frigate tho' lost, has been lucky in escaping the Enemy, as she had large Sums in Cash on board, and some valuable Passengers as the Count de Viomenil, second in Command in America & the Duke

de Lazune, Baron de Montesquieu &c &c. The Marquis is detained by our Ministers at Versailles. I have delivered your Letter to the Fr. Minister but not to Mr. Morris, being willing to wait a little to know how the Land appear. The arrival of the French Fleet at Boston is premature, as it happened *by accident* to be the English Fleet under Admiral Pigott, who has blocked up the French Squadron. Shall call for your rent & send it by first Opportunity.

The Cash from on board the Frigate is arrived here but the Capt. & Crew it is feared were all taken. The Passengers got on Shore.

Kind Love to Mrs. P & Patty—Am with great regard, My Dr Sir,
Yours Affectlly. Elias Boudinot.

[P.S.] Mrs. Boudinot has the Papers, tho' but little in them.²

RC (NjP: Throup-Martin Collection). Addressed: "Lewis Pintard Esqr, at Baskinridge."

¹ See the following entry, note 2.

² Boudinot had written to his wife the preceding day, enclosing "News Papers for your Perusal" and reporting that "notwithstanding all the Noise lately made, I doubt not but we shall still have Peace in the Spring." "A French Frigate bringing Money for the Fr Troops was lost at our Capes last week," he explained, "but the Cash is saved—We have Accts. by her and not unfavourable." He also commented on his health and his recent return to Philadelphia in the following passage: "I did not leave Trenton till Thursday Morning, being detained by Chancery Business. Here I took a severe cold by sleeping in a room with several broken Paines of Glass, which fell on my Breast and almost laid me up. I am much mended but not hearty." Stimson-Boudinot Papers, NjP.

John Taylor Gilman to Meshech Weare

Sir

Philada. Septr. 18th. 1782.

The Letter you did me the Honor to write on the 3d Inst. I receiv'd Per Post.

The Secretary informs me that he has not received your Letter.¹ I will Endeavour to have the Commissions sent you next Week if I can obtain them.

By Letters from France of 29th June it appears probable that the Enemy Intended to proceed in a General Negotiation for Peace,² but that they had altered their Tone in Consequence of their success in the W. Indies & accomodation of their affairs in Ireland. But Still their is some probability that Negotiations may be again on Foot.

Doctor Franklin and Mr. Jay are in France, Mr. Adams busy at Holland, & Mr. Laurens gone to the South of France for Recovery of his Health & to Visit some relations. I think it is probable he may be here this fall.

Dr. Franklin agreed to Liberate Lord Cornwallis from his Parole in Consequence of Mr. Laurens being released, but Expressly made this Liberation Subject to the Approbation or Disapprobation of Congress, what they will determine I cannot Say.³

The Transactions in Holland are very Important to us, and must greatly discourage our Enemies.

It Seems the Court of Spain have decided Intentions of obtaining Gilbralter.

The Councils of our Enemy must be greatly divided, Their Finances at a Low Ebb, and I really Hope as they have been Blundering for many Years, they will soon Stumble upon that which appears to be their only true Interest Viz. Seriously Endeavour to obtain a General Peace; If they are Determined to have Thirteen States under their Subjection, they may as well seek for them in the Moon, as Endeavour to regain these United States.

It is said a 40 Gunn Ship belonging to our Allies is drove on Shore about 100 Miles below this place. I have not the particulars but believe the Cargo is saved, the Ship will probably be Lost. I Inclose a Paper of this day by which you will see the particular Transactions in Holland, and many Debates in British Parliament.

I have the Honor to be, Your most Obedt. Hum. Servt.

John Taylor Gilman

RC (MHi: Weare Papers).

¹ Meshech Weare's September 3 letter to Charles Thomson, enclosing 30 bonds of privateers and requesting "Eight or ten more Commissions" is in PCC, item 64, fols. 224.

² Letters to Secretary Robert R. Livingston from Benjamin Franklin of June 25 and 29, and from John Jay of June 25, recently arrived onboard the ill-fated French frigate *Aigle*, had been received and referred to a committee consisting of Arthur Lee, Ralph Izard, and James Duane. Congress also received a June 25 letter from Franklin to Robert Morris, which was provided by Morris and referred to the same committee the 19th. See *JCC*, 23:591-92; PCC, item 82, 2:164-72, 192-97, item 110, 2:135-39; Morris, *Papers* (Ferguson), 5:477-81, 6:393-94; and Wharton, *Diplomatic Correspondence*, 5:510-17, 533-35.

³ See James Madison's Notes of Debate, November 22 and 25, 1782.

John Rutledge to Nathanael Greene

D. Sir,

Philada. Sep. 18 1782

Some Time ago, I recd. your favour of the 10 July, & lately, one of the 14 August. I am glad to find that Circumstances, in favour of the Southern Army have changed so much for the better as you represent to us, & hope that before this Letter can arrive, you will be enjoying, in Charles-Town, some Relaxation from the great Care & Fatigue which you have undergone; for I flatter myself, that the Alteration in the British Ministry will not prevent the Evacuation of that Garrison, tho', I think it has put Peace at a much greater distance than most People lately thot. it. The late Gazettes will give you so full an Account of all the European & other News We have, that I beg Leave to refer you to them—you will receive, by this opportunity a duplicate of the

Resolves of Congress passed abt. the Instt., relative to the Southern Army.¹ It appeared to some of the Committee, that the most effectual Way of protecting Georgia & So. Carolina might, perhaps, be, by sending a Force into E. Florida, but as that wd. be operating out of the U. States, & you might not think yourself at Liberty to do so without special Leave therefore the last Clause in the Resolves was added. I hope the Commander in Chief will give you a discretionary power of retaining such part of the Army as you think necessary for the Southern States. Being on the Spot, & fully acquainted with all Circumstances, you can judge, better than any one else of that Point—& I wish that the Part so retained may not be inconsiderable. The Southern Army could not get here to do any Service this Campaign—if wanted for the next they wd. arrive in Time tho' they shd. not leave Carolina for several Months & that State & Georgia will be exposed to great & imminent danger (if the Army is removed) whilst the Enemy have such a Force of Regulars & Tories in E. Florida, as at present.

I think there can be no danger that an Attempt to make a Coolness between you & the Governor² will succeed. I am sure you will give no Cause for it, & he cannot be persuaded of the contrary.

I never heard of the Matter you mention, respecting your Letter of March last to Congress.³ If such a Matter really happen'd, it must have been when I was in Virginia whither I went, on some publick Business, by desire of Congress, soon after my Arrival here. However it is not improbable, for People don't like to be told of their Faults.

Mrs. Rutledge joins with me in respectful Compliments to Mrs. Greene. We are glad to hear that her Health & Spirits bid defiance to the Fever, & hope you'r also well.

I am with sincere Esteem & Regard, dr. Sir yr. affect. & obed. Serv,
J. Rutledge

RC (MiU-C: Greene Papers).

¹ For the resolves of September 9 directing Greene's army to remain in the southern department, see South Carolina Delegates to Washington, August 17, 1782.

² That is, South Carolina governor John Mathews.

³ It is not clear what "Matter" Greene may have mentioned, but for his March 11 letter to Congress, see David Ramsay to Greene, September 10, 1782, note 3.

David Howell to Nicholas Brown

Sir,

Philadelphia 19 Sept. 1782.

Letters have been recd from Dr Franklin dated *Passy* June 25 & 29, containing the first official account of the negotiations for peace. The British Minister proposed to treat with his Most Xtian Majesty about Am. Independance, he was answered that it would be better to treat with our own Minister who was at hand. Attempts were made and the most tempting offers, in the first instance to negotiate a peace with

the belligerent powers *separately*; but it was rejected with disdain. Our Independance was then proposed and the ardour of the British for peace, by their advances appeared unquestionable: But unfortunately for us, news of Rodney's Success in the W. Indies arrives, the Marquis of Rockingham dies, the *Shelburn party* prevails, good men resign, the Cabinet is divided, & a manifest tergiversation on the part of the British leaves little hopes from the negotiation till the event of this campaign shall decide upon the pretensions of the parties. Next winter may give us peace.

Ld. Shelburn & the old Ministry would fain patch up a peace by allowing us the same kind of Independance granted to Ireland, so little do they yet know the Spirit of America. Dr. Franklin says *the King hates us most cordially*, and has not given up the Idea of keeping us yet somehow, or another *under him*; this no doubt is his view in placing Ld. Shelburn at the head of the Treasury, who is, notwithstanding his *jesuitical* Speech, our inveterate enemy.

Emissaries are to be sent out to this Country to sound the minds of the people and induce them by any means to return to some kind of a dependance on Britain.

With this view English goods will be sent over, and perhaps the Post of New York kept more with a view to promote trade than to carry on military operations against us, yet some think it will be evacuated.

It is the fixed determination of France, Spain & Holland not to make a Separate peace; they are fully convinced that their only safety against the insolent power of Britain lies in their Union. I hope none will be so deluded in this Country as to think there can be any safety to us in any dependance on Britain. Should we renounce our alliance with France, such an instance of perfidy would render us forever incapable of forming such an one with any other power, & of course subject us entirely to the arbitrary will of Britain. Heaven forbid that this should be the fatal & disgraceful issue of a seven years war!

You may rely upon it the Powers in Europe will not desert us, our interest is too intimately blended with theirs. Our trade is courted by every commercial State. All that is wanting on our part is Prudence & Perseverance. I hope the Seat of the war will no longer remain here, let the issue of the present negotiation be as it may. It is a great object with us at present to restore public credit & give value to the promises we have made, or may make. Loans will then enable us to transmit our debt to posterity without inconvenience, to be paid when the Inhabitants of this Country as well as its wealth shall be double & perhaps treble what they are at present. To this end it is essential that the interest at least of our public debt be paid. This was the object of the Impost; you will see a tax of 1,200,000 Dols ordered for this purpose. This is a *Substitute* for the Impost & I hope we shall now hear no more about it. Our quota is reduced from the last, of Nov. 1781, about 1/9 but is yet too high. On this head I refer you to a late Letter to Gov. Bowen.¹

For particulars of the Dutch Loan see my letter to Commodore Hopkins of the 14 Inst.² Our affairs go on well abroad. No late news from Genl. Greene; but expect to hear of the evacuation of that place, Charlestown, sometime in October next.

As to my health it has been, thro' divine goodness uninterrupted, excepting by *colds*, to which the frequent changes of weather here subject one, unless great precaution is used. Last week we had several days of fresh cool air, the weather is now hot & sultry.

I have removed my Lodgings to the Revd. Mr Marshalls in 4th Street. I am now nearer my business & in the neighbourhood of those with whom it is to be done. Dr Witherspoon & myself live on the same floor. As Genl. Cornell sets out next Saturday on his business in the Army, the State will be unrepresented till Dr Arnolds arrival,³ which I wait for with Impatience; & as Dr. W. has invited me to go to New-Jersey College commencement next Wednesday, it is likely I shall go as several other members of Congress are going. I can return in three days, perhaps before Dr. Arnold will arrive. I have not been absent one day since I first took a Seat in Congress.

I have latterly had more leisure than at first; I have dined & drank tea several times with our Friend Hewes & others, who is very kind & has offered me money on your credit repeatedly; but I have taken none of him.

I have been to eight different places of public worship in this City. I commonly attend the Friends 6 O'Clock P.M. meeting in Market Street. There is generally some speaking. Saml. Emlyn is an affectionate, good preacher. Nicholas Wall is Sensible & powerful. I went into the meeting one Evening in Company with Parson Ustic.⁴ Nicholas soon rose "*Put me into the Priests office that I may get a piece of bread*" were his first words & text. He pointed out the difference betwixt *Gospel*, *ministers* & *Hirelings*. After we had got out of the house Mr. Ustic asked me if I had not told Nicholas that I would bring him that evening?

I have been under the necessity of making use of your kind offer to supply me with money. Col. Peck informed me that he had money of yours in his hands; I have taken of him one hundred Dollars & drawn on you in his favour to that amount. I have also written to Mr John Brown,⁵ who has my order to draw on the Treasury for any grant which may be made me, to pay the same to you. I expect to allow you interest from time of payment till you shall be repaid.

With Sentiments of esteeme, I am, Sir, your most obedient & very humble Servant,

David Howell

P.S. I beg you to present my regards to your good Lady and all friends.

Please to shew this Letter to Maj. Jenckes and others at your discretion.

You will see the resolves of the State of New York for a Continental Convention for the purpose of altering the Confederation & giving

more power to Congress. These resolves have been transmitted to Congress as well as to the Executives of all the States. They have been referred to a Committee, of which I was one, I opposed them *tooth & nail* & I believe none will have the hardiness to move in Congress for any thing more to be done about them. No future confederation will ever give equal Liberty to the people, or equal power to the Small States. It is boldly said that the affair of the Imposts being stopped by the petty State of R.I. fully shew that such little States have too much power. A great character in Connecticut queries to his friend in Congress whether it will not be necessary to impose a duty of 10 per Cent. on all goods brought out of R.I. By this you may see they well know that the Confederation empowers them to lay duties on goods as they pass our lines, either way. Let us stand fast in the Liberty wherewith we are made free. No alteration, rely on it, will be made in our favour.

D.H.

RC (RPJCB: Brown Papers).

¹ Not found; but see Howell to John Brown, September 10, 1782.² Not found.³ Jonathan Arnold began attending Congress on October 10, 1782. *JCC*, 23:642.⁴ Probably Rev. Thomas Ustick.⁵ See Howell to John Brown, August 10 and September 10, 1782.

Samuel Osgood to John Lowell

Dear Sir.

Philaa. Sepr. 25th [*i.e.*, 19–25] 1782¹

I had the Pleasure of addressing you by the last Post.² I observed, that the Comee. for the foreign Department, of which you were one, had reported.³ Their Report mentions the Number of Letters *he* has wrote to Doctr. F——, Mr. A——, Mr. J——, Mr. D——, &c;⁴ The Files of Papers he has in his Office; the Boxes in which they are placed; The Books in which the Letters are entered &c &c &c. Upon the whole, the Comee. approve of his Conduct, Attention & Punctuality—or in Words tantamount thereto. The Approbation of Congress was not call'd for, to the Report. But this with the Reports on the other Departments, are to be fil'd only, & not entered on the Journals. Complete & substantial Evidence of his Impartiality—And all is well.

I told you whilst here, that I had my Antipathies. I cannot conquer them; & Heaven forbid that I should.

Matters are all going exceeding well in Europe; Doctr. Franklin & Mr. Jay appear to be very happy at Passy. The latter, in explicit Terms, commends the *former*, as an able and prudent minister. His Abilities, he says, exceed any Man's of his Age, that he ever saw⁵—*agreed*. We

have lately pass'd an explicit Instruction to all our Peace Commissioners to attend the Negotiations for Peace, wherever they begin; & that which even receives any Intimations thereof immediately notify the others. This in some Measure does away the great Absurdity of four Joint & several Commrs., as you know the Commission stands—all of them—or any one of them. Mr. Laurens is to be informed that Congress cannot dispense with his Assistance at the Negotiation. I like it, because I think Mr. A. & Mr. L——⁶ will be united. There will probably be an equal Division—but I hope the Question will not be lost. It is supposed that some Coldness may have seized Mr. L—— on Account of Mr. A's Conduct towards him. When the former requested to know of the latter, if he could be serviceable in any negotiations—Mr. A intimated that he did not know that he could. But there are no Expressions in Mr. L——'s Letter that Justify an Opinion, that he is in any Manner dissatisfied.⁷ If Mr. L——'s Letter to Congress contains the Truth, (& Heaven forbid that we should charge him with Falseness) He has suffered the most intolerable Hardships. There are strong Marks in it, of the keenest Sensations, on Account of Doctr. F——'s Neglect of him, whilst in England. Mr. R——ge⁸ commented with great Severity on *his* Disobedience & Neglect of the Orders of Congress with Respect to his Exchange. Mr L—— declares positively, that whilst he was Prisoner, he ever asserted the Independence of the United States; He supposes that they would have been very glad to have given him a Pardon—But he revolted at the Idea. I think Candor obliges us to beleive his Story, until we have more authentic Evidence of his Want of Firmness.⁹

I hinted to you in my last, something about old Paper Money. It is an exceeding plain, & an exceedingly perplexed & difficult Matter—if this is possible. It is plain as to the Justice due to Mass'tts. It is perplexed in a continental View. Mr. Morris made a Report to Congress, which would have answered the Wishes of the State. But it was attacked without Favor or Affection. The Essence of it was negatived & then it was not worth having. The enclosed Motion was then made,¹⁰ & referred to a Commee. of 13; what the Fate of it will be, I know not. I have hinted before, that some of the States are very cold in this Matter. They feel all the happy but none of the ill Consequences. But it may be asked, since it is so plain a Question, why we can't make Congress feel the absolute Necessity of Justice—And the fatal Consequences that must ensue, if Releif is not granted. I will answer it in Part, by asking, why the Preachers of Peace & Righteousness do not influence all Mankind to act Right. They acknowledge the Doctrines are wise & reasonable; But do not all obey its Precepts. A Calvinist will tell us, that the natural Man is an Enemy to Goodness, & until it is given to him, he cannot have an operative Beleif. So I flatter myself the Members of Congress feel the Justice of our Request. They have in this Respect natural, but no moral Abilities. They will not—which, I

think, constitutes some Part of modern genuine Calvinism. They see but it is thro' an obscure Glass, which removes the Object to a great Distance. They think it is not Time to adjust this Matter—the Reason why—I apprehend is, that as they have not got their Proportion, if any Thing should be done for us, it may prevent their obtaining it for nothing. I cannot suppose that (in your Profession particularly) you have lived to this Time, & never met with one Man, or one hundred, whom you could seemingly convince as to their Understandings, & yet not influence their Faculty of Volition. It will not be an agreeable Matter I am sure to the Legislature of Massts. to take up the Subject without the Provision of Congress. But if this Provision cannot be obtained—Necessity undoubtedly will oblige you to do it. I have heretofore observed that Massts. is deficient probably several Millions of Dollrs. on the old Requisitions. You can therefore clearly provide for that Deficiency—and as to the Remainder, if you should do a Work of Supererogation; It will be much less censurable than Works of Derogation. When Congress, in early Times, recommended to the States to make continental money a Tender, V—a¹¹ made it a Tender to discharge Interest only. When Congress recommended to the States to revise the Laws which was as much as to say, repeal the Tender Laws, V—— made then, the old Money a Tender, Paper Dollr. for hard Dollr. When Congress recommended to the same State to shut up her Land Office, with Respect to Lands beyond the Alleghany Mountains, she immediately laid out three Counties in that Country, & opened her Land Office. When Congress recommended to the State of V—— in the most pressing Manner, to raise her Quota of Troops, the Situation of the Enemy rendering it of the utmost Importance—her Legislature sit Ten Weeks, with the Recommendation before them, & no Notice was taken of it. Their whole Time was taken up about back Lands. These I call Works of Derogation. There is one Matter relative to that State, which I think is a Curiosity. Not long since they have had a Paper Currency circulating by their own Acts, one Dollar of which would discharge a Debt of forty hard Dollrs. Their old Money they continued a Tender, after the new forty for one Money, was issued; which last, was not made a Tender, so that one Dollr. of it was forty Times better than a hard Dollr. I have the Information, in all these particulars, from such Authority that I cannot doubt of their being Facts.

Thus far had I proceeded in my long Story, when I was agreeably disappointed by the Arrival of Mr. Tracy, & the Rect. of your Favor of the 9th of September. I can assure you that the Observation upon Genl. Lincoln, was very far from displeasing him. We enjoyed the Humor of it: It pleased me the more because it gives me an Opportunity to rally him. ————— It is the 20th of Sepr.¹² Our Debates this Day in Congress, have been acciden-

tally turn'd upon the Resolution of the Day before Yesterday, informing Mr. L—— that Congress cannot dispense &ca. A Motion, after a long Preface, was made by my particular & ingenious Friend Mr. M——n to stay the sending forward that Resolution.¹³ It was grounded upon a Pamphlet entitled the Parliamentary Register, in which was contained the Petition of Mr. La——s that you mentioned to have seen in Our Papers. It was said that the known Reputation of the Printer, was such, as to prevent a Doubt of the Fact. Mr. A. L——¹⁴ said he knew the Printer to be a paltry Fellow; and that no Credit ought to be given to his Publications. The Debates lasted from Morning, 'till near four o'Clock & then adjourned without any Decision; If that Petition is really Mr. L——'s, his Letter to Congress can hardly be said to be consistent therewith. Mr. Adams makes no mention of it; but expresses his Happiness upon seeing his old Friend in the same Sentiments, notwithstanding he had been so long in Britain. Docr. F——n says nothing either good or bad of him. But what does the Petition contain so exceedingly offensive, considering his languishing & neglected Situation? It evidences a Weakness of Mind. But who will say, that he should be able, when put to the Test, to brave Hunger with all its consequent Infirmities, in a Goal, & Hero like, die a Martyr without any Emotions. A Man's Mind frequently languishes with his Body. But what Reason can be given for "ultimately" &ca. Considering all Circumstances, which would the impartial public of America execrate as the most injurious to the Honor & Dignity of the Und. States. It is true that one superlatively wicked Action, will not Justify another—perhaps a Decision may be had before I close this lengthy Journal.

The Financier has informed Mr. Gillon, that he now possesses Papers, by which it appears, that he has recd. nearly £19,000 Strg. of the Und. States money; that as a Servant of the public, & appointed to take Care of the Interest of the U.S., he was obliged to demand Security of him on their Behalf.¹⁵ Gillon answered—that his matters were before a Commee. of Congress—that he doubted not but they would Justify him. And that he did not owe the U.S. a Farthing. These answers were not satisfactory to Mr. Morris & he still insists on Security. I am not without my Fears, that Majr. J——n¹⁶ will appear to have been deficient in his Duty—And that Gillon will show by J——n's own Letters, that he put into his Hands Goods to the Amo. of £11,000 Sterg. By one Way & another, I beleive no poor People were ever more wretchedly abused than we have been by our Money Transactions abroad. The Ship Marquis Le Fayette, it is beleived, were never intended for America. But if she had arrived, the Goods were scarcely worth Exportation, if we may Judge of her Cargo, from a considerable Quantity thereof, now in this City. Capt. Truxton of this City has informed some of the Members of Congress, that he offered to bring

out a Part of the Goods; but the Agents would not agree with him, unless he would take on Board a Quantity of Tea at a mere trifling Freight. It is hinted, Monr. de Ternay would have chearfully bro't them out in the King's Ship. But that he would not make them Merchant's Ships—plainly intimating, that he would not take them on Board, with other private Merchandize. Mr. Izzard gave it freely as his Opinion upon his first Arrival, that the Marquis Le Fayette would never see America. If nothing else, I hope our Poverty in future, will put a stop to our being plundered by those unfeeling insatiable Harpies. It gives me pain to reflect, that one of them is a native of Masssts.

Time has elaps'd;¹⁷ & I can now inform you how the Motion respecting Mr. La——s ended. The next Morning the Debates began after the Motion was renewed, & lasted till near four o'Clock, they were regular & well managed. It is impossible to give you an Idea of the curious Definitions & Explanations. The Mover, my honble. Friend aforesd. with his usual Cunning rather than Ingenuity began. He said the Motion was of a very tender, as well as harmless Nature. It was nothing more than merely to stay the former Resolution—and had no necessary Tendency to injure the Character of the honble. Gentleman. Indeed the Mover respected him very highly. But pro Bono publico Duty obliged him to make it; & he wished every Body to construe it, as no intended Harm against the Person. The Reasons for the Motion, he said, were, the culpable Nature of the Prayer; (for it is not call'd a Petition). That the World must suppose therefrom, that Mr. L—— had labored zealously, to support the Claims of G. B. That his Life & Fortune had been endangered, by adhering to the brittish Interest. And that as he had once betrayed the Dignity of the Und. States, he never ought again to be made the Repository thereof. I found a great Difficulty in my Mind, to reconcile the Reason for the Motion, with the pretended Innocency, & the harmless Nature of it. Mr. Middleton made the closing Speech. I mention his in Preference to several others, because he was very explicit & plain. He assigned, what, he supposed, must be the true Reason for the Motion—which was, that Doctr. F——n should be the sole Negociator for Peace. He reprobated the Idea very severely. He said, that Congress had more essentially wounded the Dignity of the Und. States in their “ultimately” &ca than any of their Servants could do—And that it was evident from Mr. Jay's & Mr. Adams's Letters, that they were both unwilling to be, Spectators of the humiliating Situation of the und. States—And he supposed Mr. L—— must have declined for a similar Reason. Mr. L—— was a Man, incapable of being corrupted, & that might be one Reason of the Motion. But Mr. M——n said—that neither he, nor the public would ever be satisfied, with committing the whole Negociation to a Man, who appears to be perfectly pleased with being made a Cypher—(he might have added—and to a Man who

never intends to return to America and therefore cannot be responsible to us, for any ill Conduct.) It was evident the first Day how the Question would terminate. the Yeas & Nays were as follows. G[ilman]—ay; O[sgood], J[ackson]—no; H[owell]—ay; D[yer], H[untington]—no; D[uane], LeH[ommedieu]—no; C[lark], C[ondict]—ay, B[oudinot]—no; M[ontgomery]—no, C[lymer], S[mith], A[tlea]—ay; McK[ean]—no; H[anson], C[arroll], W[right]—ay; L[ee], B[land]—no, J[ones], M[adison]—ay. All nays beyond.¹⁸ Three Yeas in the whole.¹⁹ I dont know how your Opinion would have been, if you had been present—But I rather flatter myself that you would have been with us. Mr. L—— is a valuable Man for the Eastward States, because, as I am well informed, he is a warm Supporer of our Right to the Fishery. He considers it of the highest Importance to the Und. States—Whereas Mr. J——y pretends to think them of very little Consequence.

I am much in your Opinion with Respect to the Vanity of ——²⁰ I hope they will not be able to disturb the public Peace & Tranquillity. Silent Operations may effectually defeat both of them.

You observe, that the Excise will pay the first nine months Interest of the consolidated Securities. If the Fund is sufficient to Discharge Nine Months, In twelve, yearly, it is a very valuable Acquisition. Why not add one third more thereto, & make it completely sufficient? But I have not a clear Idea of consolidated Securities—whether or not, all the Govenmental Securities are consolidated? if not—it is difficult to form an Idea of Funds, without Knowing the Amo. of consolidated & unconsolidated Debts. I beleive Genl. Lincoln will not visit you this Fall—But will not fail thereof in the Winter—this I understand to be his present Determination. And I don't know of any Thing that will prevent him. Then I doubt not, he will discover that happy Talent of solving Difficulties, at which, you say, he has so good a Knack. Tho' he has not the happier Art, of removing entirely your Scepticism, when he has given a Solution—I have sported with the Genl. upon his great Ingenuity that Way—& observe to him that he wants but a small Addition thereto, which is, the Faculty of making People beleive him, without which, he will loose much of his Labor. However, I do all I can, to pour in the Balm of Consolation upon his Soul, by putting him in Mind, that Newton, & all the great Men his Predecessors, wanted that same Faculty of making People beleive them at first, altho they could not clearly refute their Principles. But that you, whom we all know to be no Sceptic, should be unwilling to give your assent to the ingenious Plans, Systems, Corollaries, & Deductions of the ingenious General, when at the same Time, you acknowledge that you can not clearly confute them, will stagger my Faith. And like the repelling Power of Electricity you will keep me in a constant Vibration between you—

unless you should make me feel the Charge, as sensibly as you did the Gentleman in the House, who was dancing in & out, discharging & retreating, till you fix'd him by a dead Shot. I do not wish to flatter the Abilities of Genl. Lincoln, least he should grow too vain, & think himself really the Man alone of the Und. States. But he *has been*, & *still is*, of infinite Service to us, in his Office. He has succeeded in his Office beyond my most sanguine Expectations. I beleive for this Time, you will be very glad to lay me aside; but not before you have permitted me to add, with how much Esteem & Respect, I am, Dear Sir, Your most obedient Servant,

Samuel Osgood

RC (DLC: Osgood Papers).

¹ Osgood added this date line after concluding the letter, which he clearly composed over a period of several days, probably on September 19, 20, and 25. See notes 12 and 17.

² Not found.

³ Lowell had been an original member of the committee appointed on July 2 "to enquire fully into the proceedings of the department of foreign affairs," but had returned to Boston long before they reported on September 18. See *JCC*, 22:370, 23:586–90; and *PCC*, item 25, 2:131–34.

⁴ That is, the letters of Secretary Robert R. Livingston to Benjamin Franklin, John Adams, John Jay, Francis Dana, "and others in foreign parts."

⁵ Jay had made this observation in his June 25 letter to Secretary Livingston, his first report after his arrival in Paris. See *PCC*, item 110, 2:135–39; and Wharton, *Diplomatic Correspondence*, 5:516–17.

⁶ That is, John Adams and Henry Laurens.

⁷ That is, Henry Laurens' May 30, 1782, letter to Congress, in which he recounted the hardships he had experienced as a prisoner, the problems he had encountered in securing his exchange, and the cool reception he had been accorded by John Adams at The Hague. See *PCC*, item 89, fols. 225–32; and Wharton, *Diplomatic Correspondence*, 5:454–59.

⁸ John Rutledge, from Laurens' own state of South Carolina.

⁹ Cf. James Madison's view of Laurens' conduct in obtaining his release from imprisonment as recorded in the following entry.

¹⁰ Robert Morris' "Report to Congress"—on the subject of a Virginia proposal for destroying Continental currency pursuant to Congress' March 18, 1780, resolves repudiating the Continental dollar—had been read in Congress on September 9 and referred to a committee whose report was debated on the 18th. Morris' report "interjected a controversial element far beyond the scope of the Virginia resolution," however, in proposing "that states which delivered more than their quotas of the old money be credited for the excess at the rate of 40 to 1," which would reward states such as Massachusetts. Morris, *Papers* (Ferguson), 6:335–37. The "enclosed Motion" was undoubtedly the one offered by the committee modifying Morris' proposal by limiting the total of old bills to be credited to state account, which was adopted by Congress the same day after rejecting a motion by Osgood that would have preserved the spirit of Morris' original recommendation. See *JCC*, 23:590–91.

For the October 21 response of the Massachusetts General Court protesting Congress' rejection of Morris' recommendation, which would penalize Massachusetts while rewarding states which had failed to comply with Congress' original resolves for retiring old emissions, see *PCC*, item 65, 2:201–4; and James Madison's Notes of Debates, November 26, 1782. See also Virginia Delegates to Benjamin Harrison, August 27, note 2; Osgood to Lowell, October 23; North Carolina Delegates to Alexander Martin, October 25; and James Madison to Edmund Randolph, December 3, 1782.

¹¹ Virginia.

¹² It seems clear that Osgood composed the portion of his letter preceding this paragraph on September 19.

¹³ For this motion concerning Laurens by James Madison, see the following entry.

¹⁴ Arthur Lee.

¹⁵ For Robert Morris' investigation of Alexander Gillon pursuant to "fresh Complaints" provided by Benjamin Franklin, see Morris, *Papers* (Ferguson), 6:393-94, 396-97.

¹⁶ William Jackson, assistant secretary at war, had been secretary to John Laurens, special envoy to France in 1781, and a party to some of the agreements reached with Commodore Alexander Gillon for the shipment of Continental supplies to America. *Ibid.*, p. 397.

¹⁷ When Osgood resumed his writing at this point can only be conjectured. He may have composed the remainder of the letter at a single sitting on September 25, the day he completed it, but the dashes penned across the following page suggest that there may also have been another interruption at that point.

¹⁸ These votes were cast by Williamson for North Carolina; Rutledge, Ramsay, Izard, Gervais, and Middleton for South Carolina; and Jones and Few for Georgia. *JCC*, 23:593.

¹⁹ That is, New Jersey, Pennsylvania, and Maryland. *Ibid.*

²⁰ Not identified.

Charles Thomson's Notes of Debates

September 19th. [1782]

The house having under consideration the report of a Committee respecting the Commissioners or allowance to be granted to the late Jos. Trumbull, Com^{ry} Gen^l for his services.¹

Mr Madison arose and informed the house that since the passing the resolutions of the 17th,² he had come to the knowledge of a fact, which he wished to lay before Congress and on which he meant to ground a motion; and as it did not admit of delay, the vessel that would carry those resolutions being on the point of sailing he wished the present business might be postponed and accordingly made a motion to that effect. This being agreed to, he then proceeded to inform Congress that he had a great respect for the character of Mr Laurens and entertained a high opinion of his abilities and integrity, and had therefore given his hearty concurrence and assent to the resolutions which passed on the 17th. But that since that time he had come to the knowledge of some matters, which induced him to think it would not be proper, at least, for the present, to forward those resolutions or so much of them as respected Mr Laurens. He would now state those matters to Congress, that they might judge. He had, he said, in his hand a pamphlet printed in London entitled "Parliamentary Register," and containing an account of the debates in the House of Commons from the month of Nov. 1781, to the latter end of Jan^{ry}, 1782, among which were debates on a petition to that house from H. Laurens, a prisoner in the Tower, and that the petition was printed at

full length.³ He then read the debates and the petition; and then observed that though the evidence was not such as would, in a Court of Law, be sufficient to prove that Mr. Laurens had signed and presented such a petition, yet coming from such authority and with such concurring circumstances, it was sufficient to raise doubts in this house, and a strong suspicion that it was genuine. That if Mr Laurens did actually sign and present such a petition; he had thereby wounded the honor and dignity of the United States in such a manner that he was no longer fit to be entrusted with the character of a public minister, much less to be solicited to continue his services as the negotiator of a peace. He would not undertake to say positively that the petition was genuine, though he must confess that he could not altogether withhold his belief of its authenticity. He repeated again the assurances of his respect and regard for the man, his willingness to draw a veil over this part of his conduct, and to bury it forever in oblivion, but standing in the place he did, and feeling, as he did for the honor & dignity of his country, he could not, consistent with his duty, forbear to move.⁴ "That the resolution of the 17th day of Sept, 1782, informing Mr Laurens that his services as a minister plenipotentiary for negotiating a peace cannot be dispensed with by Congress, and so much of the other resolution of the same date as relates to Mr Laurens, be not transmitted till the farther order of Congress." He would not give so much credit to the publication as thereon to ground a recall, his meaning was only to suspend the effects of a resolution, which he was convinced never would have passed had the matter now before the house been known to Congress. He confessed that if in fact the petition was not genuine a temporary injury would be done to Mr Laurens' character, and in that case, as soon as the truth should appear, no man would be readier than he should be, by every act in his power, to wipe off the stain and restore his character to its ancient splendor, and therefore would wish that the resolutions of the 17th, as well as that which might now be passed, should remain secret. But when he considered on the other hand in what light the conduct of this Congress would be viewed by, and what effect it might have on the powers of Europe if a man was pressed to continue in such a high confidential trust and office who had prostrated the dignity of his Country, wounded its honour, and as far as in him lay denied its sovereignty and independence, all which must be admitted, if the petition is genuine, he trusted he would stand excused and that the house would agree to his motion.

He then repeated his motion which was seconded by his colleague, Mr Jones. The motion being read from the Chair.

Mr Lee said that no sort of credit should be given to the publication; that he knew the publisher of it to be an infamous person, who would publish anything sent to him that would make his pamphlet

sell, and who would ruin the character of any man for five shillings. That for his part he did not believe the petition was genuine. That it was altogether incredible that ever Mr Laurens wrote or signed such a petition. That it was known Mr Laurens was a man of sense, of firmness & of integrity. That the petition which had been read was mean in sentiment and diction, and altogether unworthy a man of sense, that it was wrote in so humiliating a stile that to suppose Mr L. to be the author of it would be to suppose him devoid of all understanding.

Mr Dyer said he could not believe it to be true. If Mr L. had ever written or signed such a petition he would certainly have taken notice of it in his letter; he would have palliated and excused the action. He would have said that in an unguarded hour when under the pressure of sufferings and reduced by sickness he was prevailed upon to set his hand to such a paper, which he is now sorry for. Nothing of this appears in his letter; no mention is made of such a paper. He cannot think it therefore genuine.

Mr Jackson is of the same opinion. If he thought it genuine, he would be not for suspending but for recalling him, and passing a severe censure upon him.

Mr Noble Wimberley Jones believes it is not genuine, thinks it would be cruel to pass a censure, which this wd be, upon a man of such a known and established character as Mr Laurens, even if he did write it, it was not to be wondered at, considering how he was neglected and what he suffered. He should not be condemned unheard.

Mr Bland spoke against the motion, vilified the publication, said that if notice was taken of such publications no man's character would be safe; it would be easy for our enemies to publish such things of any man and to raise dissensions among us.

Mr Clymer always understood that the Parliamentary Register was a paper of considerable authority. The first publisher, Almon, was noted for his attachment to the American cause. He supposed the present publisher, who succeeded him, was actuated by the same principles. It is not to be supposed that he would ruin the character & reputation of his pamphlet by publishing a falsehood which could be so easily detected.

Mr Lee never heard that the "Parliamentary Register" was a paper of any authority. He wished the gentleman had shewn what authority it had. He knew it was an anti-ministerial publication, and supported by the minority for party purposes.

Mr Madison spoke again, professed the purity of his motives and his regard for Mr Laurens' character; urged the probability of the petition being genuine, and his readiness to make every allowance and excuse for Mr L's situation, but still persisted in the opinion that the dignity, honor, and interest of the U. S. required that Congress should agree to the motion.

The question being eagerly called for by those who were opposed to the motion,

Mr Wright said it was a matter that required deliberation; it was not to be decided in so hasty a manner; that for his part he was determined to have the yeas and nays on the question when put, and he wished to have some farther time to consider the motion, and therefore moved to adjourn, which was seconded and agreed to.

The petition is as follows:

*"The Right Hon^{ble} Charles Wolfran Cornwall, speaker of the hon-
ble the House of Commons.*

"The representation and prayer of Henry Laurens, a native of South Carolina, some time recognized by the British Commissioners in America by the stile and title of his excellency Henry Laurens, President of Congress, now a close prisoner in the Tower of London, *most respectfully sheweth:*

"That your representer, for many years at the peril of his life⁵ and fortune, ardently laboured to preserve and strengthen the ancient friendship between Great Britain & the Colonies & that in no instance he ever excited on either side the dissensions which separated them.

"That the commencement of the present war was a subject of great grief to him, in as much as he foresaw and foretold, in letters now extant, the distresses which both countries experience at this day.

"That in the rise and progress of the war he extended every act of kindness in his power to persons called Loyalists & Quietists, as well as to British prisoners of war, very ample proofs of which he can produce.

"That he was captured on the American Coast, first landed upon American ground, where he saw exchange of British and American prisoners in a course of negotiation, and such an exchange and enlargement upon parole are mutually and daily practiced in America.

"That he was committed to the Tower on the 6th of October, 1780, being then dangerously ill; that in the mean time he had in many respects, particularly being deprived with very little exception of the visits and consolations of his children and other relations and friends, suffered under a degree of rigor almost if not altogether unexampled in modern British history.

"That from long confinement, and the want of proper exercise, and other obvious causes, his bodily health is greatly impaired, and that he is now in a languishing state, and therefore your representer humbly prays your honors will condescend to take his case into consideration, and under proper conditions and restrictions grant him enlargement or such other relief as to the wisdom and benignity of your honours shall seem fitting.

Henry Laurens.

"Tower of London, Dec. 1st 1781."

MS not found; reprinted from *NYHS Collections*, 11 (1879): 155–60.

¹ This report was the second submitted by a committee consisting of George Clymer, Jonathan Jackson, and Edward Telfair appointed to respond to a July 23 letter of the superintendent of finance on the settlement of commissary general Joseph Trumbull's accounts. For the superintendent's role in and the congressional response to the settlement of Trumbull's accounts, which involved the controversial issue of determining rates of depreciation to be allowed in such settlements, see Morris, *Papers* (Ferguson), 5:601–2, 6:5–7, 12–13, 17–18, 152, 223–24, 293; and *JCC*, 22:415n, 23:464–65, 631, 691–92.

² See Thomson's Notes of Debates, September 16–17, 1782.

³ For these debates of December 17 and 20, 1781, in which Edmund Burke attempted to embarrass the North ministry over the severe treatment accorded Henry Laurens, see *The Parliamentary Register*, 5:184–97, 224–28; and note 5 below. On December 20, Burke had moved to introduce the December 1 petition from Laurens that Thomson appended at the conclusion of this entry, but the attempt was rebuffed and the petition "was ordered to lie on the table." *Ibid.*, pp. 227–28.

Madison had apparently obtained this copy of the *Parliamentary Register* from the secretary for foreign affairs, Robert R. Livingston, to whom it had probably been delivered with the letters of June 25 and 29, 1782, from Benjamin Franklin received the previous day. See PCC, item 82, 2:164–99; and Wharton, *Diplomatic Correspondence*, 5:478–79, 610–13, 533–35.

⁴ There is no mention of this day's debate on Laurens' status in the journals, where Madison's motion and the vote rejecting it appear under the proceedings of September 20, for which see *JCC*, 23:592–93; and the following entry. For Madison's role in seeking to delay any congressional response to Laurens' request to resign his peace commission, see also Madison to Randolph, September 24, 1782.

⁵ At this point in Madison's copy of this document, which he enclosed in his letter to Edmund Randolph of September 24, Madison inserted an asterisk to which he keyed the following observation in the margin: "I am informed that at the time of the stamp act his House was beset by a mob in consequence of his Known heterodoxy."

Madison's enclosure to Randolph also included the following "Extract from the speech of Mr. Burke on the 17th Decr. 1781."

"But was the treatment of Mr. L[Laurens] in the Tower consonant to sound policy? Was it prudent to sour the minds of the Americans agst. England by the ill usage of their great & respectable President; was it politic to make him think ill of England? Ill usage might do it, but nothing else could; for he carried his love for this country even to doting; he had sent his children to receive their education in it, & to learn to love this Country; he had long opposed the disunion of B. & A.; and if any thing set him ill with his Countrymen, it was the opinion they entertained that he was too well affected to the interests of England." Madison Papers, DLC.

Charles Thomson's Notes of Debates

September 20. [1782]

The journal of yesterday and the dispatches being read, Mr Madison arose and called the attention of the house to the subject of his motion.¹ The objections started yesterday he observed were grounded chiefly on the want of authenticity, though something had been said of the inoffensiveness of the petition, admitting it to be genuine. He admitted that the proofs he had adduced would not be sufficient to convict a man on a trial for his life; it is possible they might not even be admitted in a court of law; but in matter of policy and in examin-

ing the propriety of continuing a person in office, they might be adduced to that house, and would without doubt have due attention paid to them. The publication contains an account of the proceeding and debates in parliament from day to day. It is made at the time and in the place where the transaction passed, & where any misrepresentation might be easily detected. The petition is introduced by a member whose name is mentioned.² Debates ensue, the substance of which is given; the speakers named; an order passed and the petition inserted, not in substance but in the very words with the address & the date of time and place, and signed with the name of the petitioner. All these circumstances carry with them such marks of authenticity as can hardly be doubted. With regard to the matter of the petition he thought it unworthy a private citizen of the United States, but coming from a Public Minister vested with so high a character who had been President of that house to whom the representatives of the King of Great Britain had paid homage, and who was then commissioned to represent the Sovereignty of these United States, it was altogether unjustifiable. It was not addressed to the Sovereign but to the Speaker and members of the House of Commons, whose authority we denied and whose usurpations had compelled us to have recourse to arms. This petition is stated not as coming from a citizen of the United States but a native of South Carolina. What is this but indirectly relinquishing the Claim of Independence which we have so solemnly declared & pledged ourselves to maintain at the risque of our lives and fortunes? A denial of his public character and almost a direct submission and return to that allegiance he had abjured in a private citizen—such a step is unwarrantable in a public minister; it is highly culpable. It is no slight matter for a public minister to deny the Sovereignty of the Country which he is appointed to represent. What then must it be in the petitioner, who had been raised to the highest rank and held the first place in the Sovereign Assembly of these U. S.? The manner in which this is acknowledged— “some time recognized by the British Com^s in America by the stile & title of his Exc^y H. L., President of Congress” —is too mean and contemptible to deserve animadversion. Let us now examine the Arguments used to induce the house to grant the prayer of the petitioner: “Your Representor for many years at the peril of his life and fortune ardently labored to preserve and strengthen the ancient friendship between G. B. and the colonies, and in no instance ever excited on either side the dissensions which separated them.” Is not this almost in direct terms condemning the measures taken by his Country to maintain and defend their rights, “in opposing which he risked his life and fortune?” To suppose he alluded to an opposition to the measures of Britain would be to suppose him guilty of the most manifest absurdity, & to insult the house to which he most respectfully prefers his humble petition. But the two following paragraphs puts it beyond all doubt in what

manner he wished to be understood. "The commencement of the present war was a subject of great grief to him, in as much as he foresaw and foretold in letters now extant the distresses which both countries experience at this day." "In the rise and progress of the War he extended every act of kindness in his power to persons called loyalists and quietists as well as to British prisoners of War, very ample proofs of which he can produce." These are arguments addressed to the justice of the house to induce them on account of his merits to grant him an enlargement from his confinement. The arguments which follow, drawn from his ill state of health and sufferings in prison, are addressed to their humanity but the humility and tenor of the prayer, considering the character of the person who prefers it, deserves particular attention: "Therefore your Representer humbly prays your honors will condescend to take his case into consideration, and under proper conditions and restrictions grant him enlargement or such other relief as to the wisdom and benignity of your honors shall seem fitting." Taking it then for granted that the petition was genuine, or admitting a probability or even a possibility of its being genuine, he submitted it to the wisdom and candor of the house whether it would not be proper to suspend the forwarding the resolution of the 17th, and to agree to his motion. However if any gentleman had any doubts or thought his motion too strongly pointed against Mr Laurens he had no objection against altering it so that the end he had in view might be attained. And therefore he would consent to vary it so as to take in both the resolutions passed on the 17th and leave Mr L's name out of the motion.

Mr J. Jones said he seconded the motion as it was made yesterday. The motion was then read from the Chair in the words in which it was yesterday expressed, whereupon

Mr Rutledge arose, and after a short exordium in which he expressed the delicacy of his situation and his feelings from an apprehension that what he might offer on the occasion might be attributed to an attachment to Mr Laurens on account of his coming from the same State, and assured the house that his judgment was not biased by any personal attachments or local prejudices, but influenced solely by what he thought just and right, he entered on the subject, which he said he would consider in two points of view:

1. With respect to the authenticity or genuineness of the petition, he said he would shew that no regard ought to be paid to the publication, and that there were the strongest arguments to believe that the petition there quoted was not genuine.

2. But even granting that it was genuine, there was nothing contained in it to warrant the present motion.

It was, he said, well known that the "Parliamentary Register" was a party paper set on foot by those who were in opposition to the late

Ministry, and calculated to support the measures of the minority. Little regard was therefore to be paid to it. Even the bringing forward this petition, and the supporting it as mentioned in the publication, was not done with a view to serve or relieve Mr L., for they only move that it lie on the table, but solely with a design to embarrass and perplex the Ministry. Who can say that the petition was not fabricated by them for that purpose? For his part he thought it highly probable that it was. It is possible they might have induced Mr Oswald, the friend of Mr L., to concur in the measure, and he might have persuaded Mr L., in the low condition in which he was, to give his consent, or not to oppose it; but would this make it Mr L.'s petition? Surely no.

But suppose Mr L. actually wrote, signed, and sent in the petition as quoted. What is there contained in it which can give such mighty offence? It is true he does not say that he is a citizen of the free and independent States of America, that he ought to be considered as a prisoner of war, that they had no right to keep him confined in the tower as a State prisoner. This, he said, would be fine, high-sounding language. But he wondered whether any person here present would use it in the condition Mr L. was. He was committed to the Tower when he was dangerously ill, confined there upwards of fourteen months, deprived of visits of his relatives and friends, and even denied common sustenance. There is a servant of his now in town who declares that to his knowledge he was five days without any other victuals than one fowl. It appears that the Ministry wanted to starve him to death. Then there would have been an end of him. All this time he finds himself neglected by his Country and their servants who ought to have exerted themselves for his relief. He had applied to the British Ministry, but to no purpose. What was he to do? Was he to submit to his fate and die in prison, without making this effort to regain his freedom, and be again in the way of serving his Country? Surely no; it could not be expected. There was a prospect of obtaining relief from the House of Commons. He applies. The tenor of the petition was such as not to give offence, and was calculated to obtain what he wanted. In this view it is proper, and warranted by former proceedings of Congress. Here he instanced the different language held by Congress with regard to the Roman Catholic Religion in the address to the people of G. Britain, and that to the inhabitants of Canada. He then proceeded to observe that the representation or petition declared that it came from H. L., who had been President of Congress; that he had laboured to strengthen and preserve the ancient friendship between G. B. and the Colonies. This, he supposed, alluded to his conduct before the Declaration of Independence, and he appealed to the recollection of Members whether Congress had not expressed themselves in still stronger terms in their petition to the King, and address to the people of Great Britain. That

the commencement of the war was a subject of grief to him might be very true; it was the same to many who are now firm friends to Independence. That he foresaw and foretold the distresses which both Countries experience at this day only proves that he was a better prophet than others. As to what is mentioned in the next paragraph, "that he extended every act of kindness in his power to persons called to loyalists and quietists," though he did not think it a matter to boast of as he abominated the characters there described, and believed he should never have subscribed his name to such a paragraph, yet he would not therefore condemn Mr L., as he was sure that Mr L. referred to his private not to his public conduct. He had acted with him in public office, and he never saw a disposition in him to show any improper indulgence to the enemies of his Country. But as he was a man of wealth it is not improbable he might have extended acts of benevolence and charity to the persons mentioned.

Upon the whole he saw nothing criminal in the petition, nothing that would warrant Congress in passing so heavy a censure on him as the present motion carried with it. He believed him to be a man of sense, well attached to the Liberty of his Country, and who would be very useful in a negotiation for a peace. He thought him worthy of trust, and could with great confidence commit to him the interest of his Country, and therefore would give his negative to the motion.

Mr Howell wished to be informed whether the facts mentioned in the petition were true, namely: whether he had in the beginning of the contest acted in such a manner as to endanger his life and fortune, and whether he had distinguished himself by acts of kindness to tories and prisoners. Those who came from the same State could ascertain this, and the ascertaining the truth or falsehood of what is set forth in the petition would greatly influence his judgment.

Mr Clark firmly believed that the petition was genuine. He did not think there was a member on the floor who doubted it. But it was not that which influenced him. Mr L. had been appointed to an office which he has declined to execute. He no doubt had his reasons; he may have entered into engagement with the Brit. Ministry that rendered it improper to execute the office. For his part he did not know what his reasons were, but whatever they were he was not for ramming his Commission down his throat. If he had been present he should have voted against the resolution of the 17th and would now vote for the motion.

Mr Dyer spoke long, and expressed his good opinion of Mr L.

Mr Jackson. Does not know Mr L., but has heard a good character of him. He does not believe that the petition is authentic. He thinks it very improbable.

Mr Bland spoke against the author or authors of the publication. If such pieces were attended to it would be very easy for our enemies to blast the character of the best men in America, and to sow dissensions

among us. Things had been published in English papers and pamphlets unfavorable to the character of some who were now members of Congress But Congress did not think them worthy of notice, and he did not see why they should take any notice of this.

Mr McKean went into a large encomium on Mr L. He saw nothing criminal in the petition, nothing that affected the heart. He was inclined to believe it might be genuine. He had always considered the Parliamentary Register as a publication worthy of credit. He knew the original author was a friend to America, and that the paper was begun and undertaken at the instance of forty gentlemen opposed to the British Ministry and friends to America, and who supported it by annual subscriptions. He supposed it was still conducted under the same influence, and that it stated facts truly. But from his knowledge of Mr L. and of the high opinion he had of his integrity and abilities he thought him worthy of trust and who would be very useful in the negotiation for peace, and therefore must vote against the motion.

Mr Williamson and Mr Lee both spoke against the publication.

Mr Rutledge animadverted with great warmth on Mr Clark's observation, "that Mr L. may have entered into engagement with the British Ministry," and in a very loud tone of voice asked, does the member know he has entered into such engagements? If he does, let him produce his proofs. He does not understand this mode of —— [illegible] character by surmises. The character of persons in high offices of trust and confidence, and especially of public ministers ought to be sacred and not trifled with in that manner. The gentleman said he did not think there was a member on the floor who doubted the genuineness of the petition. He did not understand such expressions. For his part he very much doubted—nay, he believed it was not genuine, and several others were of the same opinion.

Mr Lee and Mr Dyer again spoke in favor of Mr L.

Mr Jackson thought if the motion passed that it ought to have a preamble, and therefore he moved to affix a preamble stating that *Whereas*, that it appears Mr L. presented such a petition. This brought on a new debate, or rather a conversation, & it being intimated that if the preamble was insisted on the yeas and nays would be called on the question, the preamble was withdrawn. At length the question was called, and the yeas & nays being required by Mr Wright on the question to agree to the motion.

New Hampshire,	Mr. Gilman,	Ay. } ×
Massachusetts,	Mr. Osgood,	No. } No.
	Mr. Jackson,	No. }
Rhode Island,	Mr. Howell,	Ay. } ×

Connecticut,	Mr. Huntington, Mr. Dyer,	No. } No. } No.
New York,	Mr. Duane, Mr. L'Hommedieu,	No. } No. } No.
New Jersey,	Mr. Clark, Mr. Boudinot, Mr. Condict,	Ay. } No. } Ay. Ay. }
Pennsylvania,	Mr. Montgomery, Mr. Smith, Mr. Clymer, Mr. Atlee,	No. } Ay. } Ay. } Ay. Ay. }
Delaware,	Mr. McKean,	No. } ×
Maryland,	Mr. Hanson, Mr. Carroll, Mr. Wright,	Ay. } Ay. } Ay. Ay. }
Virginia,	Mr. Jones, Mr. Madison, Mr. Bland, Mr. Lee,	Ay. } Ay. } No. } Divided. No. }
N. Carolina,	Mr. Williamson,	No. } ×
S. Carolina,	Mr. Rutledge, Mr. Ramsay, Mr. Izard, Mr. Gervais, Mr. Middleton,	No. } No. } No. } No. No. } No. }
Georgia,	Mr. N. W. Jones, Mr. Few,	No. } No. } No.

So the motion was lost.³

MS not found; reprinted from *NYHS Collections*, 11 (1879): 160–69.

¹ See the preceding entry.

² That is, Edmund Burke. See *ibid.*, notes 3 and 5.

³ For Madison's continuing interest in Laurens' status, and the subsequent debate over Congress' obligation to absolve Lord Cornwallis from parole in view of Laurens' release from captivity, see Madison to Edmund Randolph, September 24; Madison's Notes of Debates, November 22 and 25, 1782; and Madison, *Papers* (Hutchinson), 5:163–65, 302–5.

James Duane to George Clinton

Dear Sir,

Philadelphia 21st Sept. 1782.

Your Excellency's dispatches by Barclay came safe to hand and claim our serious Attention.¹ Yesterday they would have been communicated had not an unexpected Business employed Congress to a late Hour and rendered it impracticable. Every Saturday being assigned for the Grand-committee "on the Publick Credit" Congress adjourned till Monday. This unavoidable Delay induces us to dispatch Barclay and trust to some other Conveyance to transmit the Result of the Information with which you have been pleased to furnish us. Barclay's apprehension that his money would not hold out, and the dilatory progress of every Measure which respects Vermont, gave us no Choice on this Occasion. If it was not for the distresses of our Friends I should not be sorry, that this Commotion has taken place, especially as Ethan Allen is the author of it. His character is well known and odious, and there cannot be a plainer Omen of the sinking Cause of Vermont than that it is committed to his Management. What will be the Opinion of Congress it is difficult to determine. If Jersey and Pennsylvania have changed their Sentiments something may be done to the purpose. I do not so far despair of Maryland as to believe she will persist in an Error which has been injurious to her best Friend. But I travel in the wide Field of Conjecture; and a few days may convince me that I have made a false Estimate. This is all I think necessary to add to our Publick Letter which Mr. Lhommedieu prepared whilst I was at the Grand committee. . . .²

I beg you to believe me to be always, with the truest Regard and Affection.

Reprinted from Burnett, *Letters*, 6:490–91, from a document located in the New York State Library before the Albany fire of 1911.

¹ Clinton's September 16 letter and enclosed documents concerning the arrest and conviction of several residents of Cumberland County, N.Y., by Vermont officials for their support of New York's authority in the disputed territory were read in Congress on September 23, and referred to a committee consisting of Theodorick Bland, Arthur Middleton, and Joseph Montgomery, but was reassigned on October 10, with a petition from Charles Phelps, to a new committee consisting of Bland, Daniel Carroll, Eliphalet Dyer, Montgomery, and John Witherspoon. The committee's report was submitted on October 15 and read the 17th. See *JCC*, 23:596n.2, 645n.1, 663–64; *PCC*, item 40, 2:297–300, 323–25, 339–44, item 186, fols. 58, 61; and Ezra L'Hommedieu to Clinton, October 9 and 16, 1782. For the New York delegates' unsuccessful efforts to obtain a congressional decision on the committee's report, see James Duane to Clinton, October 30; and L'Hommedieu to Clinton, October 23, and November 5, 1782.

² See New York Delegates to Clinton, this date.

James Duane to John Morin Scott

Dear General

Philadel. 21st Sept^r 1782.

Tho' I have scarcely time, I feel too sensibly your polite attention to be excused from acknowledging the Receipt of your favor of the 1st Instant by Major Story. I have given this young Gentleman the best advice in my power, and if Mr. Morris inclines, to employ him, will go as far in his Commendation as your Letter, and the acquaintance I have with him, can justify.¹

I am obliged to you for your account of Week's adventure. It happened too near home not to be interesting; and yet whatever may be the appearance from the passivity of the British and the Despair of the Tories; I do not think peace; no not even the evacuation of our native City, so near as is generally apprehended. The naval success of the enemy have hardened the Heart of the British Pharaoh and rekindled his expiring wishes for our subjugation. The Treaty at Paris goes on feebly and all eyes are fixed on the military Operations which will give a Completion to its further Progress at the close of the Campaign and not sooner. But I need not enlarge. Mr. Secretary Livingston has obtained permission to attend for a few weeks on his private Affairs in our State. He will open the Budget and gratify your Curiosity in all points, and I wish you to see him.

Barclay has brought us an account of Allens exploit in Cumberland. On Monday we shall introduce the subject under great advantages from this fresh Insult on Congress and aggression on our State.²

I observe all your Kindness respecting my late ill luck. I *shoud* not be satisfied with myself if I suspected your James unjustly, and I almost repent at what I hinted; but believe me it was the general opinion from his loose character. No man can more sincerely deprecate the vice of *Suspicion* than I do. It is too much the reverse of the first of all virtues, *Charity*, to be pardonable.

This family of both sexes commission me to present to you their respectfull Compliments. Be pleased to make mine to your good Lady & Children and to be assured that I am with very great regard—Dear General, Your affect. & most obed. humb. serv.

Jas. Duane.

MS not found; reprinted from *Historical Magazine and Notes and Queries*, 2nd ser. 5 (January 1869): 255.

¹ For Maj. John Story's application to Robert Morris for employment, see Morris, *Papers* (Ferguson), 6:393, 395. See also *ibid.*, 2:59n.6.

² See the preceding entry, note 1.

New York Delegates to George Clinton

S'r,

Philadelphia Sept. 21, 1782.

We have been honoured with your Dispatches of the 16th Instant relative to the violent Outrages committed by Ethan Allen and others on the peaceable Inhabitants of our State residing on the New Hampshire Grants.¹ Congress having adjourned on Fryday until Munday, we have had no opportunity, with any kind of Propriety, to lay the Information before them, but shall do it before any other Business is taken up on Munday Morning. As in all Probability the Papers will be committed and it may be some Days before any thing finally is determined on, we thought it unnecessary to Detain Barckley, especially as he is anxious to return as soon as possible.

This New and unexpected Violence, offered, in direct Opposition to the Recommendations of Congress, to those peaceable Citizens who have always strictly adhered to the same, and the dangerous Consequences which may ensue from such evil Examples, will we trust induce Congress immediately to interpose and exert their Authority for the Releif, and Protection of those unhappy People, our Fellow Citizens, now made Prisoners by a lawless Power.

Your Excellency may rest Assured that we shall exert ourselves to the utmost for their Releif, and that Measures may be Adopted for the future Protection of the Adherents to our State who reside in that District of Country.

There are not so many States at present in favour of the Independenc of Vermont as there were last Year and altho a Majority of the States present are opposed to it, yet it is very doubtful if any Decision can now be obtained on the controversy submitted to Congress conformable to their Act of the [24th] of Sept. 1779. We shall however attempt it, if we can find there is the least probability of Success.

Our Act of the Legislature for quieting the minds of the Inhabitants in the Northeastern Parts of the State² has had a good Effect, and we have reason to beleive if the Disputes about the Cessions of the back Lands belonging or claimed by the southern States are settled, few or none of the States in the union will interest themselves in favour of the Vermont Independence.

We shall give your Excellency the earliest Intelligence of any Determination Congress shall make on the Communications we have been honoured with.

We have nothing new since the Secretary of foreign Affairs left this Place. He will give you a more particular Information of our Intelligence from Europe than we are able to do by writing.

We have the Honour to be, with the utmost Respect, Sir, Your Excellency's most Obedient and very humble Servants,

Jas. Duane

Ezra LHommedieu.

Reprinted from Burnett, *Letters*, 6:489–90, from a document located in the New York State Library before the Albany fire of 1911. "In the writing of L'Hommedieu, except the complimentary close and Duane's signature."

¹ See Duane to Clinton, this date, note 1.

² See JCC, 22:281–86; and John Morin Scott to Clinton, May 21, 1782.

Abraham Clark to Robert Morris

Sir,

Sept 22nd [*i.e.* 23] 1782¹

You have enclosed for Perusal a Letter from Mr. Pollock. The Committee to whom the same is referred desire you will as soon as possible give them such a State of the Matters therein mentioned as your Means of Information may enable you to do.

Tr (DNA: PCC, item 50) From the text copied into a letter from Robert Morris to James Duane of October 11, 1782.

¹ Clark wrote this letter in behalf of a committee (consisting of himself, James Duane, and Hugh Williamson) appointed on September 23 to take into consideration a September 18 appeal from Oliver Pollock for the settlement of his accounts as commercial agent of the United States in New Orleans. Morris returned this copy of it (the only form in which it survives) to Duane, in the understanding that Duane was "the Chairman of that Committee," with a number of enclosures explaining the claim and a recommendation for the speedy settlement of Pollock's accounts. The date of Clark's letter is obviously in error, as September 22 was a Sunday and the committee was appointed on September 23. For Pollock's letter, the committee's appointment, and Morris' response to Clark's inquiry, see PCC, item 50, fols. 1–13, 17–26, item 186, fol. 58; and Morris, *Papers* (Ferguson), 6:560–63. See also John Hanson to Estévan Miró, October 31, 1782.

Daniel Carroll to Thomas Sim Lee

Dear Sr.

Pha. Sepr. 24th. 1782

The post brought me yr favor of the 20th Instant. Before I say any thing about news I must mention that you have been misinformd relative to my appointment by Congress. It has I suppose taken its rise from a letter I receivd on my way up from Mr Morris desiring me to act as receiver of the Continental taxes,¹ which I immediately informd him upon my arrival here I could not do consistent with our Constitution, at least so it might have been Construed. There were other reasons which wou'd have been Sufft. to have induced me to decline the offer. Rhode Island is very obstinate Agt the 5 per Ct. Whether they will give way at their next session (in October) is very uncertain.

The paper will give you some particulars of the loss of the Eagle a French Frigate in this bay: She was Commanded by Captn Le Touche who had a Commission from his King for the protection of our Trade. This Vessell carried 28 24-pounders besides 12 of a lesser weight—quite new, had on board a crew & everything compleat for the Guadaloupe now at Baltimore which was to compose part of la Touch's Squadron. Mr Marbois tells me that two hundred thousand livers were lost. The Enemy have got the Eagle off & I suppose into New York by this time. Several persons of distinction came over in her, they got on shore among them one or two stiled princes. Our dispatches were not later than the 29th of June. Mr Granville was then at Paris. The death of Lord Rockingham and the alteration in the Ministry in the beginning of July will probably retard the negotiations, if not brake them up. I think we may not expect peace very speedily.

Is it possible to obtain abt £150 of my order from the Treasury? I am in very great want of it: please to let me know if any thing can be done.

Please to present my Compt. to yr Lady.

I am my Dear Sir with great regard & esteem, your affectionate humble servt,
Danl. Carroll

RC (MdHi: Lee, Horsey, and Carroll Papers deposit, 1988).

¹ For Robert Morris' August 8 letter to Carroll, see Morris, *Papers* (Ferguson), 6:153–54.

John Hanson to Thomas Sim Lee

My Dear sir

Philadelphia Sept 24th 1782

I am honored with your Excellencys letter of the 20th And Agreeable to direction inclose the papers you mention. I hope you will have it in your power to Settle the matter at Annapolis upon much better terms than I believe it would ever be Settled here. The remainder of the wheat Mr. Heron Says he has received.

The Capture of the Eagle is unfortunate to us as well as the french. She with five other frigates were intended for the protection of our trade, the loss of which is severely felt here and in a very Considerable degree Effects the State of our Finances. The little demand for produce occasioned by the want of trade renders the payment of Taxes very difficult, and to which the very great deficiency in the payment of the Sum last required by Congress, may in a great measure be attributed. Not more than one Eightieth part has yet been received, from which you may Judge of the State of the Continental Treasury. No official letters from France later than the 29th June and they Contain nothing very Material. No mention is maid of the negotiation. I inclose you the last paper And have the honor to be with the greatest esteem, Your Excellency's most humble Servt,
J.H.

RC (MdHi: Lee, Horsey, and Carroll Papers deposit, 1988).

John Hanson to Thomas Sim Lee

My Dear sir

Philadelphia Sept 24th 1782

A Vessel is just Arrived here from Amsterdam and Another at Boston from the same place with Cloathing for our Army which with what is on hand will be Sufficient. Another is hourly expected. By the above Vessel Congress have received dispatches from the minister at the Hague.¹ He mentions nothing respecting the Negotiation for peace. The Declaration of our Independence by the Dutch is Confirmed which by order of Congress will be Communicated by the Secretary of Foreign Affairs to the Executive of each State.² The post is not yet Arrived And I have waited so long for him that I have Scarce time to inclose you the paper. The Debate in the House of Commons is very interesting. Have done nothing more in your Affair with Heron. Expecting my Son is on the Eastern shore have not wrote to him. Should he be at Annapolis you will favour him with a Sight of the paper.

I have the honor to be with the highest esteem, your Excellencys most hble Servt,
John Hanson³

RC (MdHi: Lee, Horsey, and Carroll Papers deposit, 1988).

¹ According to the "Daily Journal" of the office for foreign affairs, the "Triplicate" of John Adams' letter of June 9 was received on September 23. Ten letters from Adams dated from April 19 to July 5 had recently been received and referred to Congress on September 11. See PCC, item 84, 4:85-87, item 126; PCC Miscellaneous Papers, reel 1, fols. 577-80; and Samuel Osgood to John Lowell, September 13, 1782, note 1.

² For this September 15 circular letter of Secretary Robert R. Livingston, see PCC, item 119, fols. 176-77; and Wharton, *Diplomatic Correspondence*, 5:728.

³ Hanson also wrote an almost identical letter to Philip Thomas this date, which is in the Hanson Letters, MdHi.

John Hanson to Philip Thomas

Dear Doctr

Philadelphia Sepr. 24th. 1782

I wrote you Saturday last¹ And inclosed that days paper, yours of the 15th I received by the post yesterday. I can say nothing at present in Answer to your obliging offer of your House must postpone it till my return. Shall leave this place about the 10th November. Cant think of returning by Annapolis the Bay is discouraging and the Season will be too far advanced to make so Circuitous a rout. You will be at Annapolis I suppose about that time. Cant desire you to Come this way as it will be too Expensive. I am distressed On Account of A, am afraid he is very unhappy and Cant at present relieve him.

The Capture of the Eagle (a french 44) by the Enemy in the Delaware is unfortunate to us as well as the french. She with five other frigates were intended to Continue here for the protection of our

trade. The loss of which is Severely felt and in a very Considerable degree Effects the State of our Finances. The little demand for produce Occasioned by the want of trade renders the payment of Tax's very difficult, and to which the very great deficiency in the payment of the sum last required by Congress may in a great measure be attributed. Not more than one Eightieth part has yet been received from which you may Judge of the State of the Continental Treasury. Inclosed you have this days paper. We are well Caty remarkably so and join in love to you and the Children.

No official letters from France later than the 20th June And they Contain nothing material. No mention is made as to the progress of the negociation.

I am very affectionately, Yrs.

J H²

RC (MdHi: Hanson Letters).

¹ Not found.

² Hanson also wrote another letter to Thomas this date, for which see the preceding entry, note 3.

James Madison to Edmund Pendleton

Dear Sir

Philada. Sepr. 24th. 1782.

I am very glad to find that the recovery of Mr. Pendleton's slave hath at length been accomplished. I shall immediately relieve Col. Jameson from the task I had consigned to him.¹

The sum of the intelligence recd. by the French frigates is that Mr. Grenvilles visit & propositions looked for a while very auspicious, but that the hopes inspired by the naval success of the English in the W. Indies had reversed the prospect; and it was expected that tergiversations on the part of the Ct. of London would spin out the negotiations till the chances of the campaign should be tried. Whilst Shelburne guides the helm, nothing but some dreadful calamity, or some national commotion, or the fear of one or other of them, can secure us peace. His obstinacy of temper & notorious aversion to our independence, abetted by the same sentiments in the King, will protract the war as long as means & pretexts can be found for it.

The Frigate which my last informed you had been run aground in this Bay has been got off by the Enemy & carried to N. York.² Among other articles of Prize, nearly 50,000 Dollars fell into the hands of the Captors.

Our generous Ally has given us a fresh token of friendship by remitting to us all the interest due or which wd. accrue during the war on the advances he has made to us; together with the expence of the loan obtained for us last year in Holland. He has also agreed to accept the

principal in 12 annual payments commencing one year after peace. According to the stipulations of Dr. Franklin the whole was to have been paid in the year 1788.

Mr. Jones commenced his alternate correspondence with you last week. It will go on hereafter according to the former rotation.

I am Sir with sincere esteem yrs &ca.

J. Madison Jr

RC (NN). Reprinted from Madison, *Papers* (Hutchinson), 5:157.

¹ For the recovery of this slave of Pendleton's nephew and Madison's apparent request that Lt. Col. John Jameson search for the fugitive among the French troops garrisoned at Peekskill, N.Y., see *ibid.*, pp. 96–97, 102, 109n.2, 158n.2.

² Madison had informed Edmund Randolph about the capture of the French frigate *Aigle* the preceding week, but apparently not Pendleton, for Joseph Jones, as Madison explained in his final paragraph, “commenced his alternate correspondence with you last week.”

James Madison to Edmund Randolph

My dear Sir

Philada. Sepr. 24th. 1782.

The substance of the despatches brought by the French Frigates mentioned in my last is that Mr. Oswald first & afterwards Mr. Grenville had been deputed to Versailles on a Pacific Mission; *<that the former had only proposed to treat of the Independence of America, & was answered by the Court that it had no right to admit that point to treaty>*; that the latter was still (29th June) at Versailles; that his proposals as to the Point of Independence were at first equivocal but at length more explicit; that he associated with them the preliminary that the Treaty of Paris of 1763, should be the basis of the treaty in question; that as to this proposition he was answered that as far as the Treaty of 63 might be convenient for opening & facilitating a pacification, it would be admitted as a basis, but that it could not be admitted in any sense that should preclude his M. C. M. from demanding such equitable arrangements as circumstances might warrant & particularly in {the East Indies & on the coast of Africa. Marbois}¹ in an anticipation of the communications to be made by the {Minister of France added “on the coast of Newfoundland}.” In the communications it was {omitted};² that upon these grounds there was at first a prospect that negotiations would be opened with mutual sincerity and be conducted to a speedy & happy issue; but that the success of the British navy in the W. Indies had checked the ardor of the Ministry for peace, & that it was pretty evident they meant to spin out the negotiation till the event of the campaign should be decided. You will take notice that this is a recital from memory & not a transcript of the intelligence.

The Frigate l’*Aigle* whose fate was not completely determined at the date of my last, we hear has been raised by the Enemy & carried to N.

York. Capt. de la Touche & the crew were made Prisoners. Besides merchandize to a great value nearly 50,000 dollars were lost most of which fell into the hands of the Captors. The loss of this ship is to be the more regretted, as it appears, the two were particularly constructed & destined for {the protection of the trade of this country}.

Our Ally has added another important link to the chain of benefits by which this Country is bound to France. He has remitted to us all the interest which he has paid for us, or was due to him on loans to us, together with all the charges attending the Holland loan, and has moreover postponed the demand of the principal till one year after the war, and agreed to receive it then in twelve successive annual payments. These concessions amount to a very considerable reduction of the liquidated debt. The fresh & large {demand which we are about to make on him will I fear be thought an unfit return} for {such favours}. It could not however be avoided. {The arrears to the army in January next} will be upwards of {six million dollars. Taxes} cannot be {relied on}. Without money there is some reason to surmise that it may be {as difficult to disband as it has been to raise an army}.

My last informed you that Mr. {Laurens} had {declined serving in the} commission {for peace.³ His proceedings during his captivity as stated by himself} are far {from unexceptionable. Congress nevertheless were prevailed on to assent to a resolution informing him that his services could not be dispensed with. A few days after this resolution had} passed, several {numbers of the Parliamentary Register} were {received at the office of foreign affairs in one of which was published the inclosed petition. The petition} was {introduced} by Mr. {Burke} was a {subject of some debate and} finally {ordered to lie on the table. The extreme im}propriety {of a representative of the United States addressing} that {very authority against which they had made war with the pusilanimous and almost penitential language of the address} determined {Mr Jones and myself} to {move} that {the resolution above} referred to should {not be transmitted until the further order of Congress.⁴ In} support {of the motion it was observd} that however {venial the fault} might {be in a private view} it evidently rendered {Mr Laurens no longer a fit depository for the public dignity and rights} which {he had so far degraded; and} that if {Congress should reinstate him} against {his own desire and with} this {fact before their eyes} it would seem as if they meant {to ratify instead of disowning the degradation}. The {motion was opposed on two grounds}, first that {the character of Mr Laurens and the silence of his letter overbalanced the testimony of the Register and} rendered {the fact incredible. 2dly} that {the fact altho' faulty ought to have no influence on the public} arrangements. The first {objection was the prevailing one}. The second was {abeted by but few}. Several professed {a readiness to renounce their friend in} case {the} authenticity {of the paper should

be verified} on the {question there were five noes, three ays, two divided, two half votes ay}. The {petition} had been {published some time ago at New York and} had {made some noise in New Jersey but} was ultimately {regarded as spurious}. There are so many {circumstances relating to this gentleman during his captivity} which {speak a bias towards the British nation and an undue cordiality with its new leaders} that {I dread his participation in the work of peace}.

Your favor of the 7th which had not arrived last post day came a few days afterwards, the Post having been detained by sickness. The subsequent one came to hand yesterday in due time.⁵ The expedient of drawing bills here on funds in Virga. even the most unquestionable, has been often tried by us, but in vain. The balance is so much agst. Virga. that no one wants money there; and the evil will increase as the prospect of peace retires. Your credit with Mr. Cowan which procured me £50 with 200 Drs. transmitted by Mr. A.⁶ have been of much service to me, but I am relapsing fast into distress. The case of my brethren is equally alarming.

As some of Mr. L's friends strenuously maintain that the Petition inclosed is spurious, I would not wish it to be made public through me, untill the matter be ascertained, or he be present to explain it.

RC (DLC: Madison Papers). In Madison's hand, though not signed. Madison, *Papers* (Hutchinson), 5:158–61.

¹ Words printed in braces in this text were written by Madison in the official Virginia cipher.

² Madison's summary comments in this paragraph are based in part on this day's report of the conference committee whose September 23 meeting with the chevalier de La Luzerne "consisted in the communication of advices lately received" from the comte de Vergennes "relative to the negotiations for peace" and "the present state of affairs in Europe." See *JCC*, 23:594, 596–603. But Madison also interjected at this point information that he had received earlier from the marquis de Barbé-Marbois who apparently attended a September 17 or 18 meeting between Luzerne and Robert R. Livingston before the latter left for his home in New York. See Madison, *Papers* (Hutchinson), 5:152–55. From Marbois' report of that meeting Madison prepared the following memorandum, entitled "Conversation between Chevr. de la Luzerne & Secy. of Foreign Affairs on the Substance of letters of 25 & 29 June 1782 from the Ct. de Vergennes to the Minister of France." Apparently drafted between September 18 and the appointment of the conference committee on the 23rd, the memorandum was later endorsed by Madison "Communications of Mr. of France relative to Mr. Grenvilles proposals at Versailles, Sepr. 1782."

"That Mr Oswald had by directions of the British Ministry made some proposals to Docr. Franklin while similar proposals were made to Mr. Adams, that on their having been communicated to him he (Vergennes) expressed a desire to converse with Mr Oswald who accordingly waited on him & told him the substance of what he was charged to say to Mr. Franklin—that the Court informed him that the King was desirous of peace if such terms were offered as were consistent with justice & the interest of his allies—that upon Mr. Oswalds reporting this, Mr. Grenville was sent over who immediately proposed to treat with France on the subject of American Independence & with respect to other articles to make the Treaty of Paris the basis of their negociation; to which it was answered that as to American Independence the King had no power to treat of it & that it would be more consistent with the dignity of the King of England as well as with that of the U. States to open a direct negociation on that subject with their

Ministers—that the treaty of Paris could not be considered as the basis of a peace, but that it must be regulated by the justice of the claims on each side—that in consequence of this reply Mr Grenville recd. powers to relinquish the Independence of America unconditionally & to propose the treaty of Paris as a foundation on which to open the negotiations without its being considered as obligatory in the progress of it.

“To this it was replied that the King agreed to negotiate provided the interests of all his Allies were included in the Treaty—the Independence of America unconditionally acknowledged—and the Treaty of Paris only considered as the means of opening the negotiation without precluding his Majesty from the right of proposing such changes as he thought proper, particularly in the East Indies and on the Coast of Africa.

“Thus matters stood when these advices left Paris, with this addition that the Cabinet of England was greatly divided on the subject of American affairs—that Lord Shelburne was absolutely opposed to any other Independence than such as had been granted to Ireland—that the Ct. had of late observed some tergiversation in the Ministry which would probably draw out the negotiation to some length—that he was inform’d that the Bill enabling the King to make peace with America which must be the foundation of an acknowledgment of independence, had not yet passed but was designed to be deferred to the next sessions.” Rives Collection of Madison Papers, DLC.

³ Madison actually informed Randolph of Laurens’ resignation in his second letter of September 11, not his “last” of September 16–17.

⁴ See Charles Thomson’s Notes of Debates, September 19 and 20, 1782.

⁵ See Madison, *Papers* (Hutchinson), 5:107–8, 163n.28.

⁶ That is, Jacob Cohen and Jacquelin Ambler.

Arthur Middleton’s Draft Memorandum

[September 24–October 4? 1782]¹

Convinced of the firm and steady Attachment of our great and good Ally to the true Interests of these United States, having sensibly felt the Benefit of his Magnanimity and the generous aid which he has afforded us through the Course of this cruel and destructive war against the common Enemy—and firmly relying on his faithfull Adherence to the Treaties subsisting between us; the United States in Congress assembled are persuaded that it is a Duty they owe to their Constituents, to their great and good Ally and to Themselves, at a Juncture when all the arts of political finesse are put in practice by the Court of Great Britain to revive the expiring flames of War by Specious tho’ unsubstantial offers of accommodation to declare in the most solemn manner that they will not hearken to or enter into any separate Negotiation for Truce or Peace with Great Britain which shall not have for its Basis as a Preliminary Thereto, the Sovereignty and Independence of these United States as guaranteed by the Treaty of Paris on the ———— 17—— nor conclude such Treaty of Peace or Truce separately without the Consent and approbation of our said Illustrious and great Ally—and in so doing we rely on the Blessing of divine Providence who has been pleased to smile on onr Joint Exertions, and to favour them with uncommon success—on the Support of these United States and the good Citizens thereof and on the good faith of our great Ally to whom we are bound by every political and social Tie.²

MS (ScHi: Middleton Papers). In the hand of Arthur Middleton.

¹ This draft memorandum was apparently prepared at some time between the appointment on September 24 of a committee to consider the results of a conference of the 23d between the chevalier de la Luzerne and another congressional committee and October 3 and 4 when Congress adopted resolves designed to reassure Luzerne and the French court of the United States' intention to adhere to the terms of the alliance and not to negotiate a separate peace with Great Britain. See *JCC*, 23:596–603, 632–39; and Madison, *Papers* (Hutchinson), 5:180–82. It is not clear why Middleton prepared this text, which is written partly in shorthand, but perhaps it was intended to serve as a guide for his fellow South Carolinian, John Rutledge, who served on the committee appointed September 24, or perhaps Middleton merely copied an early draft of the committee's report. It is obvious, nonetheless, that Middleton was concerned that France be reassured of congressional intentions, for which see the following note.

² Apparently at some point during the October 3–4 debate over reassurances to France, Middleton jotted the following brief notes to himself, perhaps as reminders for a speech in Congress.

"Renew the Assurances.

"Reciprocal and equal resolution to adhere in every event to the principles of the Alliance & to hearken to no propositions for peace which are not perfectly conformable thereto: that in law any propositions conformable to those Principles should be made to them—with like Precautions against Delay & maintain Confidence not [lie?]

"Discussion—That on this [principle?] of the Alliance we consult the French.

"We will listen to no Proposition not conformable to Principles of the Alliance. Should any be made conformable thereto, they well be refer'd to the proper Chan[nels? . . .] in Europe." Middleton Papers, ScHi.

Middleton cast his final vote in Congress on October 15 and apparently left Philadelphia within the next two days, for he had reached Baltimore by the evening of the 19th. See *JCC*, 23:656; and *SCHGM*, 27 (January 1926): 26.

Virginia Delegates to Benjamin Harrison

Sir

Philada. Sepr. 24th. 1782

Yesterday's post brought us no letter from your Excellency. That of the 5th. instant¹ which had not arrived at the date of our last was received a few days after.

By the two Frigates mentioned in our last, Congress have received letters from Doctr. Franklin & Mr. Jay who were at Versailles dated the 25 & 29 of June. The sum of the intelligence which they bring concerning negociations for peace, is that the sincerity manifested at one period by the Court of London in her advances towards a pacification had been succeeded by an apparent design to draw the negociations into length with a hope of such further advantages during the campaign as would enable her to rise in her demands. Some communications which have been made to Congress by the French Minister present the same idea.²

The loss sustained in the French Frigate which had got aground in Delaware bay proves to be greater than was at first reported. The Enemy have succeeded in their attempts to float her, and have taken in her besides a considerable quantity of Merchandise nearly 50,000 Dollars.

The paper No. 1. herewith inclosed, being an Extract of a letter from Doctr. Franklin to the Superintendant of Finance will inform your Excellency of some further tokens of friendship which the United States have received from their Ally.³

The paper No. 2⁴ contains an answer from Congress to the Resolution of the Assembly of the 2d of July last.

We have the honor to be with great esteem Yr. Excll's Obt. & hble servants,

J Madison Jr. A. Lee

Jos. Jones. Theok. Bland Jr.

RC (PPAmP). Reprinted from Madison, *Papers* (Hutchinson), 5:155–56.

¹ In the executive letterbook Harrison's brief letter is dated "Sept. 6th." *Letters of Virginia Governors*, 3:320.

² See Madison to Edmund Randolph, this date, note 2.

³ For Benjamin Franklin's June 25 letter to Robert Morris, the extract of which was printed in the *Cal. of Va. State Papers*, 3:325–26, see John Taylor Gilman to Meshech Weare, September 18, 1782, note 2.

⁴ Not identified, but for the Virginia assembly resolution "of the 2d. of July last," see Virginia Delegates to Harrison, August 27, 1782, note 2.

Eliphalet Dyer to Thomas Shaw

Sir

Philadelphia Sept 25th 1782

I receivd yours Inclosing the Petition Vs. Stanton, Noyes &c properly served & Indorsed, hope we may Succeed in gaining a new Trial & hope to be able to send you the result of the Court of Appeals, before the Cause on the bond depending at the Superior Court in Rhodisland is tried & determined.¹ Your Fears or rather Mr. Helmes' on account that there was no Citation signed by the Judge &c is groundless as I find no such thing is required by this Court. My great fear in the cause is there are but 2 Judges. One is Mr Paca who was one of the Judges who reversed the Judgment before & fear he will be so attached to his old opinion that he then did right as not to be Willing to have the cause reheard. I shall spare no pains to effect your wishes that is that Justice take place. Shall send forward Intelligence as soon as possible to prevent a Judgment on the bond am sure they must Continue the Cause if Necessary now the Petition is duly served I have discoursed Mr Phillips one of the Judges of that Court now in this City who expects to attend that Court before it is over I hope he will not leave this City till after the 1st day of Octobr when we expect to be heard on the Petition. I have since my last to you made full inquiry into the other Cause you wrote to me about, have searched the records, find a reversal of the Decree given at N Carolina so far as it respects the Vessel but can find no paper or files. There are none in

the Office, the Judgment of reversal I find to be at the same time with the other respecting Coll Stanton the Judgment counts on an Appeal Notice & no appearance of the Appellee to defend therefore reverse as to the Vessel, you mention the papers or files were sent you by mistake they will shew whether there was an appeal taken & whether Notice was given. I have also applyd to Mr. Stanley who informs me that no appeal was taken that he knows of & believes there was None & that the Cause was most Clear not only to Condemn the Cargoe but Vessel. As I wrote you before I dont see how they can carry their Judgment into Execution against the Estate of Capt Shaw, but if any remedy it must be Against the Marshal (whoever he was) in Nth Carolina but if they should recover of him you might possibly meet with Trouble afterwards but as none of the papers can be found We cannot at present preferr a petition for a New Trial in that Cause. The hour for post to depart is just at hand which oblidges me to write in Utmost haste & perhaps in correct as I cannot revise.

Am with sincere Esteem, Yr Hle Servt,

Elipht Dyer

RC (CtY: Shaw Papers).

¹ For Shaw's admiralty appeal, see Dyer to Shaw, July 22, August 23, and September 11, 1782.

Eliphalet Dyer to Jonathan Trumbull, Sr.

Sir

Philadelphia Sept 25th 1782

Mr. Brown went of so sudden that I omitted complying with your request in sending back the Copy of the Deed from the Indians to the Susqh. Company & having now an opportunity by Mr Pumroy I send it by him. I rather Suspect we shall not have a Quorum that is the Number of 5 of the Judges Agreed upon to hear & determine our Cause with Pensylvania, who will meet at Trenton at the time Appointed.¹ Govr Rutlidge now a Member of Congress was one we Agreed upon at first & on whom we much relied absolutely refused. Mr Jones of Virginia was afterwords Agreed to in his room. Mr Jones has since Arrived in this Town as delegate & absolutely refuses to Attend at Trenton & says he must return to Virginia to attend their Assembly before that time. Genll Nelson of Virginia is one Agreed to, the Gentn here from Virginia give it as their opinion that he will not be Induced to come on any Account, & that their Assembly being to sit about that time will also prevent him. The 2 Gentn. Agreed upon in the Jerseys will doubtless attend as they are on the spot, they were it is true agreed to, but it was with a View that the Gentn from Virginia attended, Whom we lookd upon as a Counter ballance to those in the Jerseys, tho as to them we are informd they are Gentn of knowledge,

Integrity & Impartiality—but one or both may possibly have some Bias. Judge Griffin as he now lives in this City will doubtless attend as he has not refused; he belongs to Virginia, is a Gentn of good understanding, of great Integrity & Candor but if Genl Nelson should not attend and either Genl Whipple or Mr Arnold should fail which is suspected, there will not be to the Number of 5. You are sensible it is not in my power to agree to any other, & whither it will be best I cannot determine. I am sensible it would put the State to a great Expence to have the Gentn. proposed to come to Trenton to Assist on the Trial if the Judges should fail to attend, beside Coll Root seemd to be doubtfull whether he could come & by what I hear it is Uncertain as to Doctr Johnson. Mr. Huntington seems to think he cannot tarry so late in the fall. If Judge Huntington & Mr Ellsworth one or both should set out seasonably to take their place in Congress they one or both might be appointed agents with me in the Cause. I think it would by no means be out of Carracter for Judge Huntington to undertake with me in the Cause, both belonging to the State in simular situations there, & the Magnitude of the Cause will fully Justifye us. I would not be understood to Wish Doctr Johnson or Coll Root to be superseeded, but this I propose if they should refuse to attend & as it would save expence to the State, or if Mr Huntington present could be persuaded to tarry he would no doubt be Very acceptable. There is a Mr. Beaudinot of the Jerseys, now, and for sometime a member of Congress from that state is well known to the Gentn. who have attended Congress from Connecticut. I entertain a Very good opinion of him and Esteem him an Able Lawyer & Councillor a Gentn of good reputation. I should think it not Amis but of real policy to employe him in our Cause. He is of an Establishd reputation in the Jerseys believe he has allways entertained a favourable Opinion of our Cause. 2 of our Judges are from the Jerseys the Cause may be adjournd more than once before decision, he will be on the spot. I only hint these Matters & Submit it to Consideration; expence I know is to be regarded, especially in our low Estate but we must find money or our Cause must fall. I find that is the Dificulty with most Gentn. I am Compelld to tarry, tho only sent here on a pinch I meant to have been at loose to have left Congress when I pleased but soon found my self Confined or to have left the State without representation which I never yet Esteemd my self at Liberty to do, when I had accepted the trust, but my Cash is near expended. I cannot stay with reputation Nor can I get home. I must tarry till after the 12th of Novembr perhaps a fortnight longer which fear will bring me into a difficult season to travail. My time will be expired at Congress about the 1st of Novr. If I could obtain what the State owes or in part for past services for Assembly & Supr Court Debentures, attending Council of Safety &c I would not ask the State but would Spend my own money, but some I must have soon, hope it may be provided in Mr Morris' bills procured

from Mr Mumford who is in debt to the State or any way most agreeable. Coll Root will doubtless Inform & bring what will be wanted at the Trial of our Cause at Trenton.

Many matters are in Agitation in Congress principally ways & means to Supply our Army & tho not to pay past Debts yet if possible to raise some fund appropriated for the payment of the Intrest, which would raise the Credit of Loan office Certificates & Debts funded, whereby tho the publick could not pay them, yet those who were Necessitated for the principle might readily sell out for the full Value. We have Petitions from Various quarters & Clamour run high demanding Justice, at least for Interest. The Intrest payable in France is Stopd & the Intrest on Loans since March 1778 has not been paid, & taxes are refused being paid, because the publick will not pay even the Intrest due on their Debts. If Rhodisland had agreed to the Impost it would in some measure have prevented these difficulties. Congress have recommended a tax on the several States for about 12,0000 to pay past Intrest & for the present year, what is raised in each State to be appropriated to pay the Intrest due in the State, there being no other way at present; a land tax of About a dollar or half a dollar on every hundred acres of Land, is proposed & to be continued & appropriated for that purpose by the Financier. Whether it will succeed in Congress or if it should whether it would be agreed to by the States is Very Uncertain, or any other method which might be proposed. The Death of Ld Rockingham has set Peace afloat again which undoubtedly would have taken place had he continued a little longer, but so Providence has ordained. I expect Brown soon to return here, when I may be able to acquaint you more fully as to the results of Congress. Am with the greatest Esteem & Respect, Your Excellts obt Hle Servt,

Elipht Dyer

RC (CtHi: Jonathan Trumbull, Jr., Papers).

1 For his report that the requisite five judges had agreed to serve at the Connecticut-Pennsylvania trial in Trenton "at the time appointed," see Dyer to Trumbull, October 19, 1782.

John Taylor Gilman to Meshech Weare

Sir

Philada. Sept. 25th. 1782.

The Letter you did me the Honor to write on the 10th Instt. I Received by Post the 23d Instt.

It seems to be the prevailing Opinion that our Enemy had some Serious Intentions Respecting Negotiations for Peace, but since their success in the West Indies they are much Elated and wish to see whether the present Year will not produce something further in their favour. Have no late accounts from Charlestown. The Conduct of the

Enemy at New-York is such, at present, that it is difficult to draw a Conclusion whether they Expect to Winter there or not.

I am Just informed that the Tax agreed to by Congress for the discharge of Interest on Our Domestic Debts, has been forwarded to the several States, as I supposed the Business Incomplete, as to time of Payment &c. I did not Expect it would have been forwarded so soon. You will Observe that the Proportion set to New Hampshire, is not so High as the last proportion was, but it is my fixed Opinion that it is much more than it ought to be.¹

An Express arrived here few days since from the Governor of the State of New York to the Delegates of that State Informing that a Number of Persons on the West Side of Connecticut River had been made Prisoners by the authority of Vermont, and Inclosed Some Depositions Respecting this matter.² You are Undoubtedly Informed of the Transactions there so that I need not be particular—these Papers are now under the Consideration of a Committee what will be Concluded on I cannot Say.

By your Letter of the 10th Instt. I am informed that you Expected soon to Receive some of Mr. Morris's Notes & Determined to forward me a Sum by the first safe Oppority. I am very unwilling to trouble you on this Subject but must inform you that I am Intirely Destitute of Money not having Enough to pay the Small Sums I owe here. I must attempt to Borrow a Sum; It is a Fact that the Extravagant Interest of 5 per Cent per Month is frequently paid here, the Difficulties & Disadvantages of borrowing when this is the Case will be readily perceived. The price of many articles here are very high. Beef is from 8 to 14 pence per pound, Butter 3/ to 3/9d, Wine 27/ per Gallon, Rum 17/, Horse-Keeping at the Rate of £50 per Year, Hay at £10 per Ton. The Rents of Houses in general is more than three times so much as they were before the war & many other Articles as so High, so that It is very Expensive living here, Hope I shall Receive a Sum from you soon which may be Sufficient to discharge my Debts here, and enable me, at the Expiration of the time for which I was Appointed to Return to NewHampshire.

I Inclose you a Paper Containing some Extracts &c. The State of our Enemies Councils are Such at present that it is difficult to form a Judgment of what will be done next, but if they have any Wisdom Left, think they had best Employ it in making a general Peace, for a Seperate one with us they cannot have.

I Expect to Send the Commissions you Mentioned, by a private Conveyance to Boston in a few Days. Your Letter to the Secretary of Congress is Received.³

I Inclose a News-Paper of this day.

Have the Honor to be, with the greatest Respect, your most Obedt. Servt.

John Taylor Gilman

RC (Nh-Ar: Weare Papers).

¹ New Hampshire's share of the \$1,200,000 recently requisitioned for 1783 "for the discharge of Interest on Our Domestic Debts" was \$48,000 or four percent; the state's share of the Continental requisition of \$8 million for 1782 had been \$373,598 or 4.7%. See *JCC*, 21:1090, 23:564.

² See James Duane to George Clinton, and New York Delegates to Clinton, September 21, 1782.

³ See Gilman to Weare, September 18, note 1, and 2d letter of October 2, 1782.

David Howell to the State of Rhode Island

[September 25? 1782]¹

P.S. Since Genl. Cornell has *Abdicated* his Seat in Congress & since writing the above the Committee aforesd. on *Back-Lands* have reported a Sett of Resolves on that Subject in favor of our Claims but on the Question to agree to their Report Six States only were in favor of it, and it was lost for want of a Seventh.² This Loss may be to us Irreparable. So Necessary is it for the State to have Constant Representation in Congress.

N.B. By Art. 5. Confederation "*Nor shall any person being a Delegate be Capable of holding any Office under the United States for which he or any other for his Benefit receive any Salary, fees or Emoluments of any kind.*"

By a Resolve of Congress May 7th. 1782 "*Resolved that the SuperIntendant of Finance be and hereby is Authorized to appoint an Inspector for the Main & another for the southern Army to take care that the Contracts for Supplying Rations be duly Executed by the Contractors, &c.*"

"*That the Pay to each Inspector be One Hundred & Sixty Six Dollars & two thirds of a Dollar per month in full of all allowances.*" This amounts to the round sum of two thousand dollars per annum.

Genl. Cornell will not deny that he was nominated to one of those places immediately on the passing the above resolve *if not before*, and has had the business in contemplation from that time till he entered on it. He cannot deny that he, as a member of Congress, created the *place*, ascertained the salary & placed it in the gift of one of the Servants of Congress. That he afterwards while a delegate of the State of R.I. &c, and of course representing its sovereignty, in contravention of the 5th article of Confedn. accepted that *place* of that servant—abdicated his seat in Congress—and left the State unrepresented.

I have related facts, upon them I rely. I should illy discharge the duties I owe my constituents should I restrain the truth for fear of giving offence. I know not that fear neither does it become my station.³

D.H.

MS (RNHi; Cornell Papers). In the hand of William Ellery. Only this postscript of Howell's letter has been found. Endorsed: "The a foregoing is a copy of a P.S. of a letter from David Howell to the State of R I dated Sept. 23—1782."

¹ This postscript of a September 23 letter was probably written on September 25 or 26, soon after the congressional vote described by Howell in the first paragraph.

² Howell was apparently referring to the vote of September 25 on a committee report on the cession of western lands, which failed by a vote of six to four, New Hampshire, Rhode Island, and Delaware unrepresented. *JCC*, 23:604–6.

³ Howell's complaint that Ezekiel Cornell's acceptance of the position of inspector of contracts for the Continental Army violated the Articles of Confederation and Cornell's obligations to his state, led the Rhode Island assembly to adopt instructions specifically prohibiting delegates from accepting any remunerative post in the Continental service for six months after their term ended. Bartlett, *Records of R.I.*, 9:612.

Abraham Clark to John Mehelm

Sir,

Philadela. Sept. 26th. 1782.

I find my self Obliged to mention to your Hon'ble House my concern for the present state of the old emissions of paper money, as the publick in general and New Jersey in particular may be greatly affected by it. This money I have reason to believe hath been purchased by foreigners as a matter of speculation, and may one day be demanded of us by the Nations to which they belong, to redeem as good, upon the Supposition it was received as such, the contrary of which cannot perhaps be proved. This is not all, New Hampshire some how or other collected into their Treasury five Million of dollars more than their quota to sink; Massachusets and Rhode Island have also a large Surplusage in their states if not in their Treasuries; they request that we receive such surplusage, creditting them, either at the rate of 40 for one in Specie, or at the rate the same passed when received which might be 70 or 75, and Charge such Sum in Specie at that rate upon the Delinquent States. Nothing of this kind, tho Attempted, hath been done by Congress, perhaps it never may, but while matters rest as at present, a general discontent prevails to the Eastward so far as to threaten a stopage of Taxes on that Account. I find by the Treasury books, that New Jersey is Creditted for 6,334,335 dollars, paid in & sunk, exclusive of this were 6196 dollars Counterfeit sent back to the Loan officer, as also 554 69/90 dollars noted as improper money to be sent back: thus much I thought proper to inform of, that the Legislature may know how much of the Quota of our State remained unsunk, in order that such further measures may be pursued as the Interest & Circumstances of the state may require.

I wished to have it in my power to transmit the exact state of the Publick debts already funded, but as the Accounts now making out are not yet compleated, I can say no more on that Subject than that

the Domestic Loans are computed at something upwards of twelve Millions of dollars in Specie—the foreign Loans computed at twenty eight million of livres.

I must also take the liberty of mentioning a matter which greatly embarrasses Congress, I mean that relative to the half pay of officers. This was engaged by Congress previous to the final ratification of the Confederation, but not agreed to by the Number of States as became Necessary for such a measure after that event took place. The New Engd states positively refuse a compliance; The Delegates of New Jersey are also restrained by the sense of our Legislature long since expressed: five states are Sufficient to prevent any appropriations of money for that purpose which requires the Concurrence of Nine States. In this affair the disagreeing states do not mean to commit such a breach of publick faith as to deprive the Officers of their just dues. All desired is, that the Officers may be referred to their respective states to receive their half pay, or such other Compensation as the Legislatures may judge proper, without making the same a Continental Charge—each state taking upon themselves the Satisfying their own Officers—this will be just in many respects; and I believe will give Satisfaction to the officers; for it cannot be supposed the Legislatures will refuse justice to their own Citizens; and by this measure they can secure the application of their own money. States which have been Multiplying their Officers, and send little or no money into the publick Treasury, wishing to draw pensions for their Citizens from other states, will of Course be Opposed to this measure. This Subject I hope will be duly considered by the Legislature, and their Opinion thereon communicated to their Delegates.

The representation of the Legislature brought by Colo. Ellis, was presented this morning, and referred to the Superintendt. of Finance who I have requested to consider and report thereon as soon as possible.¹

I have the honour to be, Sir, Your Obedient Humble Servt.

Abra. Clark

RC (Nj: State Papers). Addressed: "Honorable John Mehelm Esqr. Speaker of the Assembly." Endorsed: "Abraham Clarks Letter Septem 26, Read Sept. 27 1782, 2d Ordered, filed."

¹ The New Jersey legislature's September 24 memorial, threatening to withhold tax receipts in order to pay the salary arrears of the state's Continental troops, was read in Congress on this day and referred to Robert Morris. Morris' September 27 report on New Jersey's proposal, which he denounced as a threat to congressional control of Continental fiscal policy and centralized administration of the army, was referred to a committee the following day. The committee's recommendations, opposing New Jersey's plan and any scheme to permit states to make advances to their Continental troops on Continental account, were adopted by Congress on October 1 and transmitted to the states by Morris on October 5. See *JCC*, 23:609n.1, 624–26, 629–31; *PCC*, item 68, fols. 599–602; and Morris, *Papers* (Ferguson), 6:444–46, 496–99.

James Madison to Edmund Randolph

Dear Sir

September 30. 1782.

The letter from the Govr. to the Delegation recd. yesterday along with yours of the 20th inst.¹ expresses some agitation at the supposed effects of the letters to him from Genl Carlton. Whatever curiosity might be excited by the circumstances attending those letters, or whatever suspicions might arise relative to the views of Carlton, they were un[accompanied as] far as I know, with the slightest imputations on his patriotism.

The remittance to Col. Bland is a source of hope to his brethren. I am almost ashamed to reiterate my wants so incessantly to you, but they begin to be so urgent that it is impossible to suppress them. The kindness of our little friend in Front Street near the Coffee House² is a fund which will preserve me from extremities, but I never resort to it without great mortification, as he obstinately rejects all recompence. The price of money is so usurious that he thinks it ought to be extorted from none but those who aim at profitable speculations. To a necessitous Delegate he gratuitously spares a supply out of his private stock.

I conceive very readily the affliction & anguish which our friend at Monticello must experience at his irreparable loss.³ But his philosophical temper renders the circulating rumor which you mention altogether incredible. Perhaps this domestic catastrophe may prove in its operation beneficial to his country by weaning him from those attachments which deprived it of his services. The vacancy occasioned by his refusal of a particular service, you need not be informed, still subsists.⁴ As soon as his sensibility will bear a subject of such a nature, will you undertake to obtain his sentiments thereupon, and let me know whether or not his aversion is still insuperable? Before he be enlisted in that service it will be fair I think to let him know the circumstances under which it is to be executed. I mean those which drew from Mr. J. the observations which you will recollect.

No addition has been made to our stock of intelligence from Europe since the arrival of the Frigates. Some letters from the Marquis de la Fayette & others have since come to hand but they are all of the same date with the despatches then recd. One of the Marquis's paragraphs indeed specifies the tergiversation of Mr. Grenville which had been only in general mentioned to us before. On the communication made by this gentleman to the Ct. de Vergennes of the object of his Mission, he proposed verbally the unconditional acknowledgment of American Independance as a point to which the King had agreed. The Ct. de Vergennes immediately wrote it down & requested him to put his name to the declaration. Mr. G. drew back & refused to

abide by any thing more than that the King was *disposed* to grant American Independance. This illustrates the *shade* of difference between Shelburne & Fox.

Having inclosed to the Govr.⁵ a transcript of the intelligence recd. from N. Y. & Canada which is pretty lengthy, you will excuse my referring you to that source. I take the same liberty with respect to some further proceedings in Congress relative to the back lands, of which The Govr. is furnished with a copy which needs no explanation.

You do not inform me whether the copy of my private Cypher answers the purpose for which it was sent.⁶

Mr Livingston has it in view to compile & publish an American Kalendar. He has asked of me the names of the Offices of Virginia of *general* jurisdiction, with the salaries allowed them. As this will be a very easy task to you, I must beg the favor of you to furnish me with an answer to the request.⁷

RC (DLC: Madison Papers). In Madison's hand, though not signed. Madison, *Papers* (Hutchinson), 5:170-71.

¹ For these September 20 letters, see *ibid.*, pp. 147-48, 150-51. The exchange of correspondence between Harrison and Sir Guy Carleton concerned the seizure of the Virginia sloop *William and John* by loyalist Capt. Benjamin Hart.

² That is, Haym Salomon.

³ Thomas Jefferson's wife, Martha Wayles Skelton, had died on September 6, 1782.

⁴ Jefferson had refused in August 1781 to accept an appointment as an American peace commissioner, for which see these *Letters*, 17:322. On November 12, 1782, however, Congress adopted Madison's proposal that Jefferson's appointment be renewed. See *JCC*, 23:720-21.

⁵ That is, in the delegates' October 1 letter to Benjamin Harrison.

⁶ Madison had sent Randolph a copy of James Lovell's cipher with his letter of August 27.

⁷ For Randolph's compliance, see Madison, *Papers* (Hutchinson), 5:262-64.

Arthur Middleton's Draft Resolve

[September ? 1782]¹

Resolved, That the Superintendant of Finance take immediate Order, and cause to be paid, to the Paymaster General out of any monies in his hands belonging to the U States, or by employing any of their Funds vested by Congress in his Disposal, the Sum of 22818 1/2, being the Amount of the Estimate deliver'd to him in the first Instant by the said Paymaster, to be by him forthwith forwarded to the Army under General Greene, as so much deficient in the pay of the Officers in the So. Department, towards putting them upon a footing with the Officers serving in the main Army, and that every Appearance of Partiality in the distribution of the publick Property may be done away, and in future avoided.

MS (Mr. Ronald von Klaussen, state of Florida, 1990). In the hand of Arthur Middleton.

¹ Nathanael Greene had written to Robert Morris on September 1, 1782, complaining in part about unequal pay for the southern and northern armies, to which Morris replied on October 17. Morris, *Papers* (Ferguson), 6:609–12. Greene may also have communicated the same complaint to the South Carolina delegates, prompting Middleton to draft this resolve on the subject, but in the absence of additional information this surmise must remain conjectural. In any event, there is no evidence in the journals or in PCC that Middleton actually introduced the resolve in Congress, perhaps simply because Morris was sympathetic to Greene's complaint and pledged that "the whole Army shall equally share" in whatever funds were available for military pay.

New York Delegates to Ezekiel Cornell

[September ? 1782]

We are honourd with your favour of the 16th Instant.¹ A candid Answer to the Questions of fact which you suggest we conceive to be your Right; and We therefore declare that it has appeared to us that you have uniformly dissented from the half pay Establishment; because it was against the Sense of your own State; And that your Efforts have been pointed to secure a Share of the Western Lands—as they are called—for the common benefit of all the States.

Your Case, Sir, seems to be a Proof that an active Zeal for the Com[mon] Cause, a long course of publick Services, and a high Degree of the Confidence of Congress will not always protect the best and most useful Friends of their Country from Misrepresentation—for among them we can with the utmost Truth give you a place.

FC (NH: Duane Papers). In the hand of James Duane.

¹ Duane drafted this letter in response to the following September 16 letter from Rhode Island delegate Ezekiel Cornell, which is addressed to "The Honl^{ble} the Delegates of the State of New York." "I am informed by a letter from the deputy governor of the state to which I have the honor to belong that it was represented in the general assembly of that state at their last Session (much to my injury) that I was for continuing half pay to officers for life and was not of opinion that the back lands should go to and for the benefit of the United States. Your sentiments on my conduct respecting these two Questions will be esteemed as a particular favour." Duane Papers, NH.

For General Cornell's vulnerability to his constituents' irritation at his stand on the half pay issue and the efforts of his colleague David Howell to embarrass the general over his votes in Congress as well as on his acceptance of the Continental post of inspector of contracts for the army and leaving Rhode Island unrepresented, see these *Letters*, 16:248n.3; Howell to Rhode Island, September 25, notes 2 and 3; and Howell to Nicholas Brown, October 30, 1782, note 4.

John Hanson to Thomas Sim Lee

My Dear Sir

Philad. Octr 1st 1782

Your Excellencys favour of the 27th ult. I received yesterday. I Sent

you inclosed by the last post Herons letters and the Account of wheat received. I will give directions to have a hat immediately made for you tho' my finances are very low.

Our European intelligence respecting the negotiation for peace is not upon the whole very favourable, the British it appears are for procrastination, And it is probable they will try another Campaign at least, in hopes of another 12th of April. If the Issue Should prove unsuccessful, they will not be in a much worse Situation than at present, and a fortunate Stroke at the Combined fleet, would put them in a much better. They will I think for a while longer, trust to the Chapter of Accidents.

Gen. Washington has lately received Advices from Canada (which may be depended on And which has been Communicated to Congress)¹ that between three and four thousand British troops are Expected there from England, And 1500 foreign troops from N. York to Strengthen their posts in that Country, while the whole Force of the British nation is to be employed against the french and Spanish possessions in the West Indies. That Col. Campbell had lately had a meeting with the Indians in Canada, at which this informant was present. That Campbell told them, that the King from Compassion to his American Subjects, had ordered him to Acquaint them, that he had determined to Cease Hostilities, and that they must not therefore make Any further incursions or ravages on the Settlements of his Subjects, but must remain quiet untill further orders. The Indian Sacham Answered, that he was very Sensible of the present Situation of the Indians, that the English had been beat everywhere and were no longer able to Carry on the war, And that the Indians must now Submit to the Americans or be Sacraficed. He Concluded by telling Campbell that he Should no longer listen to his lyes, and went off much dissatisfied.

With respect I am, Your Excellencys most humble Servt,
J.H.

RC (MdHi: Lee, Horsey, and Carroll Papers deposit, 1988).

¹ This intelligence was enclosed in Washington's September 26 letter to President Hanson, which was read in Congress on September 30 and is in PCC, item 152, 10:743-45; and Washington, *Writings* (Fitzpatrick), 25:208-9.

Arthur Lee to John Adams

Dear Sir,

Philadelphia Ocr. 1st. 1782

I enclose you some late proceedings by which you will perceive that Mr. Laurens is to be made a victim if possible to the system of throwing every thing into one man's hands. By these votes you will judge pretty accurately who are Devotees to this unjust, unwise, & irrepubli-

can system. Except that of N.Y. where one of the ays was from policy given against the motion of which he was probably the prompter.¹ However they have at last fed the one man's pride, vanity & all arrogating disposition by putting him sole in the Commission for negotiating with Sweden, which woud not have been done had he not written that it was the particular desire of the King of Sweden communicated to him by the Ambassador of that Court at Versailles, that he might be the person. It was an omission, for which I am blameable, not to have inserted this in the Commission, that if a fiction or a mere compliment, & I suspect it was one or the other, the falsity or the vanity of it might have appeard. The words of his Letter are these—"The Ambassador from Sweden to this Court applied to me lately to know if I had Powers that woud authorise my making a treaty with his master in behalf of the U.S. Recollecting a general one that was formerly given to me with the other Commissioners I answered in the affirmative. He seemd much pleased & said the King had directed him to ask the question, & had charged him to tell me, that he had so great an esteem for me, that it woud be a particular satisfaction to him to have such a transaction with me. I have perhaps some vanity in repeating this; but I think too, that it is right the Congress shoud know it, & judge if any use can be made of the reputation of a Citizen for the public Service."²

It is with sorrow, I inform you of the death of young Col. Laurens,³ who was killd lately in a skirmish with the British near Charles-town. He is as much a public as a private loss; & I am much afraid it will be an accumulation of misfortune on his most worthy Father too great for him to bear.

The Enemy have revokd the order for the evacuation of Augustine; but all their motions tend to that of N. York & Charles-town. They are to strengthen the garrison of Quebec, recal their indian parties from our frontiers, & bend all their force against the french & spanish Islands. How far we can in prudence pursue them thither with our land forces, is not yet the subject of discussion. Remember me to Mr Laurens if in Europe, & to Mr. Dana when you write to him.

Farewell

Octr. 5th. Congress have resolvd not to conclude any Peace but in confidence & concurrence with our Allies & to prosecute the war, till a peace satisfactory to all can be obtaind. All preparations for Negotiation are to be referd to the Commissioners in Europe.⁴ Genl. Lee died here a few days since & was buried with great honor.⁵

RC (MHi: Adams Papers). In Lee's hand, though not signed.

¹ On September 20 Congress had refused to overturn its resolve of the 17th rejecting Henry Laurens' resignation as a peace commissioner, for which see Charles Thomson's Notes of Debates, September 19 and 20; Samuel Osgood to John Lowell, September 19-25, note 17; and James Madison to Edmund Randolph, September 24, 1782, notes

4-6. In this cryptic reference to the New York vote, Lee was apparently suggesting that James Duane would have preferred to vote for Madison's motion, but voted against it "from policy" because "he was probably the prompter."

² Benjamin Franklin had reported this request of the Swedish king in a June 25 letter to Secretary Robert R. Livingston, and on September 28 Congress adopted a commission and instructions for Franklin as sole commissioner to negotiate a treaty of amity and commerce with Sweden. See PCC, item 82, 2:164-72; Wharton, *Diplomatic Correspondence*, 5:510-13; and JCC, 23:592, 610-24.

³ For the death of John Laurens, Henry Laurens' eldest son, who was killed August 27, 1782, in a skirmish with a foraging party in South Carolina, see Elias Boudinot to Lewis Pintard, October 2, 1782, postscript.

⁴ For the resolves Congress adopted on October 3 and 4 to reassure the French court that the United States intended to continue to adhere to the terms of the alliance, see James Madison to Edmund Randolph, September 24, note 2; and Arthur Middleton's Memorandum, September 24-October 4, 1782.

Lee had been preoccupied throughout the summer with what he perceived to be the inordinate role of the French in the peace negotiations. See, for example, Lee to James Warren, August ? 1782, note 1. Further evidence may be found in the following undated notes (in the Lee Papers, MH-H), which Lee later titled "Proposals of the french Minister to Congress. M. de la Luzerne, 1782." Apparently drafted in Congress on September 24 or shortly thereafter, they were taken from the conference committee's report of its September 23 meeting with La Luzerne, for which see JCC, 23:597-603.

"That the U.S will not be contented with a separate peace—but will continue the war till their allies shall have concluded their own peace, wch. will shew G.B. that their Independence will not satisfy them but that they will pursue the british troops wherever they can be found.

"6th page. That the U.S., will not be satisfyd with the acknowledgement of their Independency: but will continue the war in all ways in their power till their Allies are satisfyd & if the british troops are removd from the U.S. they will pursue them wherever they can be found.

"Demands of France. To treat generally. 2d. To make the treaty of Paris the basis of the negotn. with alterations as to Africa, India, the Fishery, & commercial regulations in Europe, accordng. to equity & the [degrees?] of the negociatg. Powers.

"Full Powers sent on this to Mr. G. [Thomas Grenville] to declare the Independancy previously & then to treat on the Conditions proposed above."

Lee had obtained a leave of absence on October 4 and apparently left Philadelphia shortly after writing this October 5 postscript to Adams. JCC, 23:639.

⁵ Gen. Charles Lee, who had been dismissed from the Continental Army in 1780 but who had recently abandoned the seclusion of his Virginia estate to live in Philadelphia, died on October 2 and was buried in Christ Church graveyard. See these *Letters*, 14:344; and *DAB*.

James Madison to Edmund Pendleton

Dr Sir

Philada. Ocr. 1. 1782.

We have recd. no addition since my last to the intelligence from Europe: except an anecdote mentioned in a letter from the Marquis de la Fayette, which exemplifies the tergiversation of Mr. Grenville. On his interview with the Ct. de Vergennes he said that the unconditional acknowledgment of American Independence was a preliminary point to which the King had *agreed*. The Ct. de Vergennes in order to

proceed with certainty & precision wrote down this declaration & requested Mr. G. to put his name to it. The latter immediately deserted his position & refused to abide by any thing more than that the King was *disposed* to grant the Independence of America.

It is said with great confidence that a fleet is gone from N. Y. to Charlestown to remove the Garrison, & the evacuation of the former place continues to be a subject of conjecture & conversation. Some naval preparations at N. Y. are thought to indicate a projected expedition agst. the French Ships at Boston or Portsmouth.

Genl W. has sent to Congress intelligence recd. from Canada of the following tenor:¹ "that despatches have arrived informing the Govr. that a reinforcemt. of 3 or 4000 troops may be expected from Europe & 1500 foreign troops from N. York—that the upper Country will be strengthened by a reinforcement of its posts—& the fortifications of the lower put into the most defensible state, that it was in contemplation of the Cabinet to point the whole force of the Nation agst. the French & Spanish settlements in the W. Indies, that indian incursions are no longer to be permitted into our Frontiers—that Cambell had given notice of this to the Indians, assigning as the motive, that the compassion of the King to his American subjects had been excited by their professions of sorrow for what they had done. A Seneca Sachem replied that the American & French had beat the English, that the latter cd. no longer carry on the war—that the Indians knew it well & must now be sacrificed or submit to the Americans—that it was time to attend to their own concerns & listen no more to his lies. Ample presents, the salve always applied to Indian discontents were administered, but the Indians went home little satisfied with their condition." The Genl. thinks this intelligence bears strong marks of authenticity.

In haste adieu

RC (NN). Reprinted from Madison, *Papers* (Hutchinson), 5:177–78.

¹ See John Hanson to Thomas Sim Lee, this date, note.

Virginia Delegates to Benjamin Harrison

Sir

Philada. Ocr. 1. 1782.

Your Excellency's favor of the 20th. of Sepr. was recd. yesterday.¹ Whatever curiosity or wonder might be excited by the letter in the post office addressed to you from Sr. G. Carlton with an endorsement by the Commander in chief, we cannot suppose that they had any other object than the views of the Writer, or that they included the slightest jealousy of your Excellencys patriotism.²

The paper No. 1 herewith inclosed is a copy intelligence transmitted to Congress by Genl Washington, and leaves us nothing to add

under that head. No. 2 is an extract from the proceedings of Congress which may throw some light on the probable event of the territorial cessions.³

The situation to which we are reduced by the impossibility of negotiating bills on Virginia obliges us to renew our intreaties that some effectual & speedy steps may be taken for adequate remittances to us. It is unnecessary We are persuaded to multiply words on this subject to your Excellency who will so readily conceive the cruel distress which must attend a disappointment, and who is so much disposed to obviate it.

We have the honor to be Yr. Excellency's Obt. & hble servts.

J. Madison Jr.

Jos. Jones.

A. Lee

RC (Vi: Continental Congress Papers). Written by Madison and signed by Madison, Jones, and Lee. Madison, *Papers* (Hutchinson), 5:176.

¹ See *ibid.*, pp. 147–48.

² See James Madison to Edmund Randolph, September 30, 1782, note 1.

³ For the enclosed intelligence from Washington and September 25 committee report on western land cessions, see John Hanson to Thomas Sim Lee, this date, note; and JCC, 23:604–6. Both are in the Continental Congress Papers, Vi.

Elias Boudinot to Lewis Pintard

My dear Sir

Philadelphia Octr. 2d 1782

Yours of the 28th Ultimo was delivered by Martin, but have nothing in return to give you in the News way—excepting some Intelligence from Canada, that is not yet Public. [Gen] Heldiman has news of a designed reinforcement of 3 or 4000 Men from England & 1500 Hessians from New York. That all the Posts in the upper Country & in Canada are to be reinforced—as the whole british Force is to operate agt the French & spanish Settlements in the West Indies—all the Indian War is to be entirely stopped. On this Occasion the Indians to the amount of 4 or 500 were called together by Coll. Campbell their Agent, & told that they must not go to war agt the Americans any more, as the King had taken Compassion on his American Subjects who had expressed their Sorrow for what they had done. The Seneca Chief replied that the Americans had beat the English and the latter could no longer carry on the war and that the Indians knew it well and must now be sacrificed or submit to the Americans, that it was Time to attend to their own Concerns and listen no longer to their Lies!! They went away greatly dissatisfied, and seem desirous of Peace

with us. I take it for granted that Charles Town will be evacuated, but greatly doubt it as to New York. Our Bay is again blocked up, but all our European News is very favourable.

I am sorry to say our friend Mr F. is very backward in paying his Balance. His is ungenerous Usage, considering how long he has had the money. I shall press old Cto. to accomplish Payment. I send you in Gold £32.2.0 which together with the Lands at £5.8.0 makes the full of your last Quarter-rent. My kind Love to Mrs. P., Patty & Johnny.¹

Am My D[r Sir], Yours most Affectly

E Boudinot

[P.S.] Wednesday 4 oClock—We have news from Genl Greene of the 29 Augt.² The Enemy were embarquing their heavy Artillery. Genl Lesslie had the Impudence to send out & demand Provision sufficient for their Voyage as payment for it. This was refused and he sent out a foraging Party, which was drove in with the Loss of the brave Coll. Laurens Son of the late President, which will be most sensibly felt in that Country. The Papers of this Day are nothing but Scurrility abt Elections & not worth sending.

RC (PHi: Boudinot Papers).

¹ Boudinot also wrote a letter this date to his daughter Susan, filled with fatherly advice and concluding: "There is nothing new here in the gay World. The Commercial Misfortunes of this Capital, moderates the Extravagance of the City greatly. There are a great number of the French Nobility here, but they also recd a check by the Loss of all their finery in the Frigate that was taken at the Capes." Stimpson-Boudinot Papers, NjP; and Boudinot, *Life and Letters*, 1:253–54.

² Gen. Nathanael Greene's August 29 letter enclosing an August 27 report of Gen. Mordecai Gist was read in Congress this day and is in PCC, item 155, 2:527–29, 531–34.

Eliphalet Dyer to Thomas Shaw

Sir

Philadelphia Octobr 2nd 1782

After Continued care & almost daily Application I have at length Succeeded to your Wishes.¹ Have procured Mr Paca to come from Mary-land the Court was appointed to be held yesterday. We appeared but Mr Lewis who had been Coll Stantons Attorney in the former Trial sent word that he was then unwell and could not Attend. I Informd the Court of the Necessity of a hearing, that we might give Notice to the Court in Rhodisland before Judgment should be given on the bond on which the Court was adjourned to this Morning at which time Mr. Paca one of the Judges was taken Very ill a considerable Strong feaver confind in bed but as he found the cause so Urgent he Consented the Court should be held in his Chamber where we attended and was heard on the Petition & the

Court were Clearly of Opinion on my Affidavit &c that a New Trial ought to be Granted, & which was Granted Accordingly I immediately requested the Register to give me off the Copys to transmit to you. The Original Cause on the Merits is to be heard the 8th of Novembr. at this place, therefore that Notice may again be given to Coll Stanton & Noyce [Noyes] of the time & place for hearing as also to advise the Superior Court before whom the Trial on the bond is depending I have Inclosed you the Copys, it will be Necessary for you without Delay to procure Stanton & Noyce to be Notefyed, which will Answer by a Sworn officer as before on the Petition leaving a true & Attested Copy of the record sent, with Stanton & Noyce, and making return of the original sent, with his Attestation Indorsed thereon, or if by a private person the same with his Oath thereto, attested by an Assistant or Justice, and Transmitted or returnd if possible before the first or 8th of Novembr. You will also send a Copy to the Superior Court if Necessary to have the Cause on the bond Continued till after the New Trial on the Merits of the Cause, of which there is no doubt the Court will Grant, when they are Informed a New Trial is Ordered. I have urged the New Trial to be had on or before the 8th of Novembr as I shall be oblidge to leave this City in a few days after on my return home and fear that if the Trial was not had while I was here it might be delayd for I know not how long, & apprehend I hope without Vanity I might be of some service on the Trial; I find in all these affairs there wants persevering Application to have the business effected to purpose, and have no doubt (as I often told your brother) had I been here I could long agoe procured him relief; & before his Death when he knew of my coming to Philadelphia he much depended upon me in the affair. I have therefore spared no pains, & if the Tryal can come on before I leave the City have Strong hopes we shall be able to Save you from the 15000 dollars you are exposed to on the bond. Am oblidge to write in Utmost hast as it is near post time & have been oblidge to keep on the run for this 2 hours to procure the Copys in season. I have procured, & sent you 2 setts of Copys one of which if Necessary may be sent to the Supr Court or Mr. Helms your attorney to obtain a Continuance of the Cause at least, but I rather think it may be Improved entirely to over throw the Cause as by a New Trials being Granted, the former reversal is wholly Suspended. With sincere regards am, Yr Hle Servt,

Elipht Dyer

RC (CtY: Shaw Papers).

¹ For Dyer's efforts on behalf of Shaw's admiralty appeal, see Dyer to Shaw, September 25, note.

John Taylor Gilman to Meshech Weare

Sir

Philada. Octr. 2d. 1782.

I am Honored with your's of the 14th Ultō. in which is Inclosed a Vote of the Honble. the Legislature appointing me a Delegate for the Term of One Year from that time.¹ Permit me to Assure you Sir, and through you the Legislature of the State that I have a gratefull Sense of the Honor done me by this repeated mark of their Confidence. I am Likewise informed that the Honble. Phillips White Esqr. is appointed a Delegate, Hope he will soon be here as the State has been too long Unrepresented. I cannot now inform you how long I can remain here, but if Mr. White should come on soon I Shall not leave the State unrepresented, without giving them timely Notice. I Informed you in my last that I was Intirely destitute of Money, a Mr. Swanwick of this place called on me and informed that the Honble. John Langdon Esquire had directed him to pay me a Ballance of Money which he had in his Hands, and to take my Bill on the State for the Same; I have received it & Drawn a Bill on you for the Amount being Seventy five Dollars & 51/90 this will give me relief for a few Days.

By recent accounts it appears very probable the Enemy Intend to keep a very Considerable force in Canada. The last accounts from New York leave the matter doubtfull whether they will Evacuate that place this fall, but think it is most probable it will be Evacuated. Have no late accounts from Charlestown. Our last Accounts from our Commissrs. in Europe leave the matter of Negotiations altogether in a State of Uncertainty, the progress of the preparatory Steps was very Slow. The present British Ministry are much divided in their Sentiments respecting American Affairs. The Conduct of the United Provinces is a great matter in our favour, believe most of the Powers of Europe now look on us as an Independent Nation. Great-Britain must come to it, though the full acknowledgment of our Independence and a general Peace under present Circumstances will be a bitter Pill to them.

I have the Honor to be, with due Respect, Your most Obedt. Servt.

John Taylor Gilman

RC (MHi: Weare Papers).

¹ See *N.H. State Papers*, 8:950.

John Taylor Gilman to Meshech Weare

Sir

Philada. Octr. 2d. 1782.

I now Send you Twelve Setts of Commissions which I received from

the Secretary of Congress. I am favoured with an Oppority of a private Conveyance to Boston, hope they will soon reach you.¹ Sending them by Post is in some Degree unsafe, but in Addition to that when large Bundles are Franked, I believe they frequently meet with Delay. I am Sensible that you have had much less advantage from Such Franks than many other Persons, as you have had Considerable Sums to pay for Postage. I Shall be happy in Sending you any papers which you may want during my Stay here.

I need not Mention to you that I Shall be highly pleased to have Judge White for a Colleague, my Opinion of his Integrity & firm Attachment to our Common Cause is well known; I only have to wish that he may be as well Satisfied on that Head as I am, and that we may be well United in our Sentiments respecting public affairs, while we are together. I Hope he will be here soon, but (if he cannot come sooner) hope he will not fail of being here by the first Monday in November; by the Articles of Confederation a New Congress then Meet, a New President is Chosen & some other matters Transacted which I Should be much pleased to have a Voice in, and it is well for every Member who Expects to Spend any Considerable time in Congress to be here at that time.

My Letter to you of the 25th Ult. will Evince how Necessary money is here, hope Judge White will bring me a Considerable Sum. Bank Bills are always paid on Sight, but if those cannot be Obtained & other Notes are Sent me, hope they will be Such as are now due. I find by my Copies of Letters that the number which I have wrote to you is something large, but that the Contents is very Small, which almost discourages me from Attempting to write so frequently, but I Shall Continue my Letters untill Judge White Arrives and then, after he has wrote you as many Letters as I have I will take turns with him. I cannot conclude without adding another wish that he may be here soon. I need not acquaint you that this Letter is not Intended for the perusal of the Legislature. Please to make my Compliments to my Friends with you. I Inclose you a News Paper, and have the Honor to be with the most perfect Consideration, Your Obedt. Servt.

John Taylor Gilman

RC (MHi: Weare Papers).

¹ See Gilman to Weare, September 25, note 3.

John Hanson to Philip Thomas

Dear Doctr

Philadelphia Octo 2d 1782

I received a letter from A. by the last post, he presses my returning by way of Annapolis, which, with the pleasure I should have in being with you there, are very great inducements to take that rout, but I am

afraid the advanced Season of the year when I leave this place, will render it imprudent to attempt it. My presidentship expires the first Monday in next month, And We Cant Set out for some days after.

I Know you are both desirous that I should be at Annaps. at a particular time, and on a particular Occasion; but however desirous you may be that I should Succeed to that appointmt. and however flattering your prospects, yet I have not the Vanity to Suppose I can stand the least Chance of Succeeding. The appointment will be pretty much influenced by the leading members of the House, and I dont Know that I should have any of the Speakers in my favour. The major is a gentleman of address and you Know underst[an]ds intrigue; it is probable he will be the man should Mr Pacca and Colo Harrison decline serving¹—however you and A. will manage the matter as you please. If you Succeed it will be of service to him, and would therefore be so far agreeable to me. Our European intelligence respecting the negociation for peace is not very favourable, it appears the British Minister is for procrastination in hopes it may be Supposed, of another 12th of April. They will be for trying the fortune of another Campaign and trust to the Chapter of Accidents. Their affairs Cant be in a worse Situation than at present, and if the Issue should prove fortunate they will be in a much better. Congress have just received late Advices from Canada—between three and four thousand British Troops are Expected there from England, and 1500 foreign troops from New York, to Strengthen their posts in that Country, while the whole force of the British nation, is to be employed Against the french and spanish possessions in the West Indies. That Colo Campbell Agent for Indian Affairs had, had a meeting with the Indians (at which our informant was present). He told them, that the King had ordered him to Acquaint them that from *Compassion to his American Subjects* he had ordered, that all Hostilities against them should Cease that therefore they must not in future make any Incursions or Commit any ravages upon them untill further orders. The Indian Sacham Answered, that he was very Sensible of the present Situation of the Indians, and of the English, that the Americans had beat them every where, And that the English was no longer able to Carry on the War—that it was time that the Indians Should look to their own Concerns, that they must now Submit to the Americans, or be Sacraficed. He concluded by telling Campbell that he should no longer listen to his lyes and went off much dissatisfied.

Transports are gone from New York to take off the Garrison at Charles Town; it is probable that this Account is true as preparations for the Evacuation of that place have been making for some time. By letters this day received from General Green, We have the disagreeable Account of the Death of that Worthy young man and brave officer Colo. Laurence. He was Killed in a Schermish with the Enemy near Charles Town with a few others.

Your Cloathes you will receive by this oportuny. The tomb stone is not ready, and I must defer sending your Blankets till another Opportunity. They will Cost about 40/ each and the stone will Come to between twenty two and three pounds.

You will have some Sport at your Approaching Election of Sheriff. Billy Beall I imagine will be elected. The quarrel between F & S will bring him in. I am so hurried this morning with public Business, that I have Scarce time to Write, excuse inaccuracies. We are well. Kit is fat. God bless you and the Children with health and happiness, your mother desires to Know how Doct. Nelson is, the information would also be agreeable to me. We have heard nothing of him since she left Frederick, farewell,

J H

[P.S.] Taylers Bill 16.0.9.

RC (MdHi; Hanson Letters).

¹ William Paca was elected governor of Maryland by the assembly on November 15, 1782. "The major," Daniel of St. Thomas Jenifer, continued in his post as intendent of Maryland revenues. Col. William Harrison did not return to elective office until his election to Congress in 1785 and to the Maryland Senate in 1786. Hanson's public career came to an end with his retirement from Congress on November 4, 1782; he died in November the following year. *Bio. Dict. of Md. Legis.*

Ezra L'Hommedieu to Abraham Yates

Sr, Philadelphia Augst. [*i.e.* October] 2. 1782¹

Your Favour of the 14th of last month I received by the post wherein you mention my having engaged to write to you on my Way to Philadelphia which I did not recollect, otherwise I should not have omitted what you expected. I have conversed with Mr. Morris about the office of Receiver of Taxes in our State,² and I do not think there is the least reason to expect, at present, that he will appoint you to that office. His objections are generally to Loan Officers being the Receivers of Taxes in the States, he has hitherto kept the Two offices distinct and no Person he thinks ought to hold both offices: however if you did not hold the Loan office, it is very doubtful with me whether you could obtain the office, as there are other Persons recommended, for the office, from the state, (I have reason to believe), whose friends have more Influence & will be more likely to succeed in an Application of this kind, than yours. The office at present is of very little Value in our State as the per Cent is the same as the Loan officer is intitled to. It may however be valuable whenever a Peace may take Place and we can raise large sums of Money by Tax.

I am glad to hear that our Frontiers are all Quiet: I hope they will continue so. Many People here are of Opinion that the Enemy will

leave New York this Year altho the war should be continued. A short Time will determine—at present there does not seem to be any prospect of a sudden Peace. Altho the British Ministry might have been serious in their proposals of a general Peace and the acknowledgment of our Independance; the Negotiations are delayd owing probably, to the late Change in the ministry, who probably expect to take the advantage of any Events which may happen during the Campaign favorable to them, and to make the American Independance a Subject of Parlimentary Inquiry. I cannot think however but a general Peace will be concluded before the opening of another Campaign, but the only way to insure Peace is a vigorous Prosecution of war. This week will be celebrated in this City by the Superintendant of Finance (who gives a Dinner on the occasion), the Acknowledgment of American Independance by the United Provinces of Holland.³ Our connection with Holland I trust will be very favorable to us as Loans are opened there by Mr Adams for Money, in which he has had some success. With Regards to your Family I am sr your very Humb Servt.

Ezra LHom[medieu]

P.S. This Moment we are informed of the Death of Colo Lawrence who fell in an Action with the Enemy near Charles Town. He was a brave officer & his Death is much lamented. The Information is in a Letter from Genll. Green of the 27th of August.⁴

RC (NN: Yates Papers).

¹ Although dated "Augst" by L'Hommedieu, this letter was written in October. L'Hommedieu did not attend Congress until August 28 and the events covered in this letter occurred in late September and early October. See *JCC*, 23:533; and notes 2–4 below.

² Robert Morris noted in his diary entry for September 27 that "L'Hommedieu called to recommend Mr Abram Yates to be the Receiver of Continental Taxes in the State of New York when I informed that Doctr Tillotson is appointed." See Morris, *Papers* (Ferguson), 6:441; and James Duane to Yates, September 15, 1782, note 1.

³ Morris gave his celebratory dinner on October 3. *Ibid.*, 6:479.

⁴ See Elias Boudinot to Lewis Pintard, this date, note 2.

Samuel Osgood to John Lowell

Dear Sir,

Philadela Octor. 2d, 1782

You will find that I have accepted for one Year more.¹ I should have done it with much more Pleasure if I could possibly have flattered myself of being able to render the State any valuable Services—But, Sir, without any considerable Inconvenience to my private Affairs, I can stay here, & barely keep up the Vote of the State. I don't find that there is a Probability of having here any Surplusage in the Delegation. Mr. Jackson informs me he cannot stay, & that he has desired you

expressly to put in his Resignation, therefore his Time expires in about four Weeks. Who will be directed to Join me next, I know not. Should I be obliged to stay, I hope you will give me a Colleague or Colleagues as agreeable as Mr. Jackson. I shall not be very anxious to return till next Spring, for a good Reason; for should I return now—It is possible that I might be obliged to come back & spend another Summer here. However you may have been pleased with the Temperature of the Climate here last Summer; I beleive your Judgment would be very different, & your Feelings, from what they were last Summer, upon an Experiment of several Years successively. I know your Sentiments upon the Delegation—And am sure that your Attachment to the Interest of the State will influence you to use your utmost Exertions in the Legislature, to have such appointed, as will in your Opinion, from their collected Wisdom form the most beneficial Delegation. I do not expect you will return—you will allow to express my Sorrow for it. I doubt not we can with Ease obtain your Appt. to an Office for which you have once been in Nomination.² But we must have proper Information of your having Resigned & that your Resignation is accepted by the State. This is more material as it is not long since we have debated the Propriety of a Member's resigning his Seat to Congress who did it with an express View of obtaining the same Office. Congress would have nothing to do with it—they would not allow any mention to be made upon the Journals thereof. As you will not return here, I wish to be informed as soon as possible of your Resignation that we may do ourselves the Pleasure of putting you in Nomination.

We have very little News here. We are induced to beleive that Transports are gone to take off the Garrison at Charlestown—And also that New York will be evacuated this Fall. Sir Guy Carleton has informed Genl. Washington that all the Indians & scouting Parties that have done so much Mischief upon the Frontiers are call'd in. That it is a Fact, seems to be confirmed by the Reports from various Parts of the Frontier, that all is quiet; & by a Letter this Day read in Congress from Genl. Schuyler,³ it is in his Opinion very probable, that the Indian Nations are tired with fighting for the English, & that some of the most inveterate of them will very soon apply for Reconciliation. Private Information from New York says, that a considerable Part of that Garrison, are going to Canada to Garrison the Frontiers of that Country strongly, not with a View of carrying on an Offensive War against us from thence, but merely as Security. That the remaining Part are to go to the West Indies to chastise the Monsieurs & the Dons—if this be true, It does not look like a pacific Disposition. However it is still the Opinion of some, that Peace will be established in the Course of five or six Months. We are entirely ignorant as to any Measures that the new Shelburn Ministry have taken. The last official Information from France mentions that Mr. Grenville was there; that tho' at first he

appeared to be eager for Peace after the News of the Defeat of Count de Grasse there was an apparent Coldness.

I have wrote you two Letters of Consequence to me. The last is anonymous;⁴ It will give me Pleasure to know that you have recd. that in particular. I apprehended the Information would be pleasing to you as you had so lately left Congress: But after all I suppose your particular Friend Mr. Jackson will give you more full; & more accurate Intelligence. You will therefore excuse me if I trouble you needlessly. If any Information I can convey to you will either be satisfactory to you or in any Manner promotive of the public good I shall always think myself amply rewarded.

I have enclosed Two Letters⁵ That the Persons who delivered them to me will be much obliged to you to deliver. Mr. Bromfield I suppose is now in Boston.

With Sentiments of sincere Esteem, I am Dear Sir, your most humble Servant,
Saml. Osgood

RC (DLC: Osgood Papers).

¹ That is, as delegate to Congress.

² That is, as judge of the admiralty court of appeals. Lowell had been nominated for the post in 1780 and was appointed on December 5, 1782. See *JCC*, 16:77, 23:765; and these *Letters*, 14:359–60n.5.

³ Philip Schuyler's September 21 letter to Congress was endorsed by Secretary Thomson: "Read Oct. 1. 1782. Referred to Mr Boudinot, Mr Duane, Mr Williamson." *PCC*, item 153, 3:593–96.

⁴ Not identified. Osgood is known to have written to Lowell on September 9, 13, and 19–25, but all three of these letters bear his signature.

⁵ Not identified.

John Witherspoon to George Washington

Sir

Philadelphia Octr 3. 1782

I am just applied to by Capt. Saml Graham of the 76 british Regt. who is a Prisoner at Lancaster & a son of Dr John Graham of Paisley in Scotland who was my particular Friend. He informs me that by the last Packett from England he learns it would on some Accounts be very much for his Interest if he could be exchanged. I have spoken to Genl Lincoln who tells me he has written to your Excellency lately on the Subject of the Prisoners & expects your Answer soon. If this Request of the Son of my Friend is not prejudicial to the public Service I should be happy in its being granted. He has written only generally to me so that I cannot tell whether being allowed to go upon Parole as the rest have gone would answer the Purpose. Your Excellency will therefore do as you think expedient.¹ I have the Honour to be, Your Excellency's most obedt humble Servant, Jno. Witherspoon

Lawyer with whom he means to study; I shall therefore be very much obliged to you, if you can supply him with £200 on my Account. As this hardly amounts to the interest of what is due to me from the Public, and the occasion is very urgent, it not being in our Power to obtain the money necessary in any other way, I hope that what I request will not meet with any Obstacle.¹

I have the Honor to be, Sir with great esteem, Your Most Obedient humble Servt.
(signed). A. Lee

Tr (DNA: PCC, item 137).

¹ Both this letter and Morris' October 9 reply, explaining that it was not in his power to make such a payment "without a special Resolution of Congress for the Purpose," are in Morris, *Papers* (Ferguson), 6:506–7, 535–36.

Ralph Izard to Alice Izard

My Dear Wife¹

Philadelphia 7th Octr. 1782

We received a day or two ago Dispatches from South Carolina, by which it appears that the Enemy had embarked all their heavy Artillery at Charles Town, & were waiting for Transports to carry off the Garrison. Nothing will happen, I hope, to make them alter their resolution. About the middle of this Month it is thought they will evacuate the Town, & they will probably go to the West Indies. If they have a sufficient number of Transports, they will carry with them about Twelve Thousand Negroes, which they have now in Charles Town, & which have been stolen in their various expeditions into the Country; in that Number may be reckoned One Hundred & Seventy of mine. They will leave us in a most defenceless condition, by carrying all the Cannon from the Town, & will carry to a very great amount, property belonging to the Citizens of our State. All this might with the greatest ease have been prevented by M. de Grasse. General Washington entreated him, almost to supplication, after the capture of Lord Cornwallis, to go with him to Charles Town: but his entreaties were in vain, & our Country has in consequence, been almost ruined. I can never think of this affair without the deepest sorrow, & astonishment. The Enemy made an excursion from Charles Town to collect Rice, & other provisions on the 27th of August. General Greene's Light Infantry attacked them, & unfortunately Lieutt. Colonel Laurens was killed. He certainly was a most excellent Officer, & his loss will be severely felt. I pity his Father exceedingly: he has already had more than a sufficient number of misfortunes to contend with. He has written to Congress that he declines serving as a Commissioner for negotiating Peace; & he is expected in America this Winter. Since my Letters of

27th & 28th of last Month² I have enquired about Madame Oster, & hear that she is an amiable, & agreeable Woman, so that I shall be glad to hear that you have determined to come together. General Lee died in this City a few days ago. Mr. Richard Beresford is engaged to be married to the Widow Charles Elliott, Mr. Ferguson's Daughter. I wish to know how you like Mrs. Cooper. The Companion her Husband brought with him when he visited you, & his Letters in praise of Prescott, do not incline me to think very favourably of him. I was in hopes that Mr. Dundas would have quitted Paris, & followed the fortunes of his friend Fuller. Do not neglect to draw all the Money, as soon as you can with propriety, from Leipzig. Since my last Letter to you on this subject, I have additional reasons for wishing to have it done soon.

I am My Dear Wife, Your Affectionate Husband, Ra. Izard.

RC (NN: Miscellaneous Folders).

¹ Alice De Lancey Izard (1744?-1832), who was married to Izard in 1767, had remained in Paris after his return to America in July 1780, awaiting the recovery of South Carolina before returning to their home there.

² Not found.

Jonathan Arnold to William Greene

Sir,

Philadelphia October 8th. 1782.

I have the honor to inform, that I arrived in this City the 5th Instant, since which Congress having been engaged on business by Committees, and interrupted by the City Election, I have not gained such acquaintance with the public measures now pursuing, as enables me to give useful information.

This I doubt not will be done by the Letters of my worthy Colleague Mr Howell.

On my way to this place I passed thro' the grand American Camp, where I met with General Cornell, who left Philadelphia some days before—the General informed me of an Appointment he held under the Financier General, which may perhaps prevent his immediate return.

I have the Honor to be, Your Excellency's Very huml Servt.

Jona Arnold

RC (R-Ar: Letters to Governors).

Elias Boudinot to Lewis Pintard

My very dear Sir,

Philadelphia Octr. 8th. 1782

It is not an uncommon Thing, that the last should be first, and the first last. This was the Case with your two last Letters. The one by Mr. C—— served principally to lead me to the use of the Cover of your last, as you had recd the Cash which I hope was right. We have great reason to expect the Evacuation of Charles Town, but as to New York, it certainly depends on Orders by the next Packett. We have been amused here these several Days with a report from New York that Rodney with the Jamaica Fleet are all taken and that Gibraltar has Capitulated, but all this *wants Confirmation*. Will enclose the Papers. I sent you one loose, last Post tho' it was not worth reading. As to your secret Instructions I fear nothing can be expected, as there are so many Harpies laying in wait on all sides. I have not given your Letter to Mr. M——¹ tho' I have been on the Eve of it several Times—shall not do it at present. Our Ambassador² has been engaged in a Duel, or I might say two and has had a caning in the Bargain, but has come off thro' them all with great honor, to the no small *Credit of the Family*. However the particulars are not worth telling. He has retired for the winter to his Seat at Borden Town, where he is over Head & Ears as he was elsewhere. But poor Mr. R—— his Sister is in truly deplorable Circumstances. She lays in Bed totally helpless, having both her feet quite useless. Along side of her, an only Daughter, her principal dependance in point of assistance, laying unable to Stir from some defect in the spinal Marrow of her Back, and whose only hope is in a speedy Death—without money—without Connections & without Hope. Some humane Gentn. have taken her two Sons, and put them to School. My Heart bleeds for her, while He on whom she has a right to depend, is sunk in an unmanly Gloom.

Pray forward the Enclosed as soon as possible. I enclose a Letter from Holland. Mr. F. has not paid the money. I am very uneasy. I wish you to write me, that Mr R. has informed you of it, and urge me to see it paid.

My Love to Miss Pintard and tell her that [*it*] is not comon for honorable Members to be so much like little Girls, as to peep into or open Letters committed to their Care—but that sometimes uncles see Letters after they are opened properly—and therefore little Misses should be very careful of their Spelling, especially those who have been to boarding School in a City.

Love to Mrs. P. & Patty Am D Sir, Yours most Afftly, Bdt.

RC (PHi: Boudinot Papers).

¹ That is, Robert Morris.

² Not identified.

Daniel Carroll to Daniel of St. Thomas Jenifer

Dear Sir,

Pha. Oct. 8th. 1782

On casting up my affairs here, I Find I shall be under very great difficulties, unless I can receive a part of the Ballance due me for last year, the order I recivd from the Govr & Council amounts to £497.18.4 Specie: I am therefore inducd to apply to you for some assistance, in hopes you can let me have about £200 of the Ballance. If the money cannot be drawn immediately, an order from you payable in two months wou'd probably relieve me. I rest assur'd you will do every thing in your power & beg to hear from you.

Our family consist of Wright, Hamersly, Duane, Home de Dieu, Madison, Izzard & myself.

Your report on the Cession has not yet been taken up¹—a vote was lately taken on some general propositions on that Subject, & lost Six States being only in favor of them.² Rhode Island, New Hampshire & Delaware were unrepresented; it is now intended to bring on the question on the Cession of N. York, as Soon as there are Seven States on the floor for it. R. Island is now represented, Delaware we expect in a day [*or*] two, & New Hampshire next week; there will be Seven States without the last, if the Delegates from Connecticut do not change their mind. The New York Cession being accepted,³ it is probable the States from the Northward of Patowmack will be united on the future questions relative to the Wn. Territory.

I am Dear Sr. with esteem, Yr. Mo. Obt Servt. Danl Carroll

RC (MdAA: Red Books). Addressed: "The Honble Danl of St Ths. Jenifer, Intendant of the revenues of the State of Maryland, Annapolis."

¹ Although Jenifer had not attended Congress since the previous November, he had been a member of the committee to which the "Cessions of lands by the States of Virginia, New York, and Connecticut" had been referred on October 2, 1781. See *JCC*, 21:1032, 22:184, 223.

² Undoubtedly the September 25 vote on the propositions offered by John Witherspoon on September 6, for which see *JCC*, 23:604–6; and Witherspoon's Draft Resolves, September 6, 1782.

³ For the acceptance of New York's cession on October 29, see James Duane to George Clinton, October 30, 1782, note 1.

Daniel Carroll to Thomas Sim Lee

Dear sr,

Pha. Octr. 8th. 1782

I return you many thanks for your favour of the 30th Ult. & have by this opportunity wrote to the Intendant; If he does not relieve me, & the Council shoud Continue of the same opinion, I shall be under very disagreeable Circumstances. You may probably know the result from the Maj. himself. I have wrote to Col. Stone on the Subject of yours of the 3d, I beg leave to refer to it. Col. Stone's merit is well known to several members of Congress, & when the business of the 5 per Cent is taken up will I have no doubt be attended to if he shou'd Continue [in the] same mind after what I have wrote to him.¹

Please present my comps to Mrs Lee. I am Dr Sr. sincerely & affectionately, yrs,

Danl Carroll

RC (MdHi: Lee, Horsey, and Carroll Papers deposit, 1988).

¹ Lee had apparently recommended the appointment of Thomas Stone as Maryland collector of the 5 per cent impost, which was also the subject of the following brief October 7 letter from Superintendent Robert Morris to Daniel of St. Thomas Jenifer. "I have already informed our mutual Friend Thomas Stone Esqr. that the Appointment of the Collectors of 5 per Cent Impost remains in Congress and that I apprehend your Delegates will be called upon to Nominate. It will always afford me pleasure to render Service to Gentlemen of such worthy Character as Colo. Stone." Morris, *Papers* (Ferguson), 6:523.

Connecticut Delegates to Jonathan Trumbull, Sr.

Philada. Octor 8th 1782

We have to apologize for not writing by Mr Brown when he went last from this Place that he went out of Town sooner than was expected & no Letter was Prepared.

The Journals of Congress since May last are not Printed. As soon as Done they will be forwarded as usual.

Congress have at Length directed the same Commissioners who are appointed to settle the Accounts of the several States with the Continent, to Receive, Count and Destroy the Continental Bills Collected in the several States.¹

The Estimates of Expençe for the Service of the Year 1783 are Still in Agitation and will soon be Completed. Two Millions and Eight Hundred Thousand Dollars will be Requested of the States in Such Proportion as Congress shall determine, and will doubtless be in the Same Proportion as was lately assigned in the Requisition of twelve

Hundred Thousand Dollars for Payment of the Interest of bor[ro]wed Monies, which is in our Opinion too high on our State. The amount to be Raised by the States will be 4,000,000.²

It is uncertain whether the Judges appointed to Try the Cause between Connecticut and Pensylvania will meet; as no answer is yet Recd from the Gentlemen at a Distance, a few Days Time will Determine it but we must be Ready at all Events on our Part.

The Talks about Peace Subsidies and all Overtures on that Subject on the Part of Great Britain appear to be Insidious. Congress have Resolved not to Listen to any Proposals of a Separate Peace or Truce but will strictly Adhere to their Alliance with France, whose Court are greatly Please to see the Same Done by each Particular State.

The Ordinance for Regulating the General Post Office has been Considered and Lies for a third Reading.³ A Loan of five Millions of Guilders is Negotiating in Holland, one Million of which was Raised in July last and Subscriptions going on slowly.

The Cessions of the Western Lands as made to the United States by Connecticut, New York and Virginia are not in Terms agreeable to a Majority in Congress. The States Southward of Maryland are Very Fond of their western Charter-Territories and the States which have no such Territory Challenge an Equitable Share in those Lands and Chuse to Receive an Unconditional Cession without any Reserve.

The State of Rhode Island still neglects to grant the Duty of five Per Cent on Importations &c by which the whole Measure is Impeded. Thus Every State may in her Turn lay her Fatal *Liberum Veto* upon the Doings of all the Rest in the Most Essential Concerns of General Finance. Every Member of the Diet of Poland enjoyed the same Liberty untill they became an easy Prey to their Neighbours.

The King of Sweeden has by his Ambassador at Paris Proposed a Treaty of Amity & Commerce with the United States of America and desires it may be Remembered that he is the first King Who *Unsolicited* made us such an Offer. His Sweedish Majesty Expresses himself in flattering Terms upon the Satisfaction he Should have in Negotiating this Business with Dr Franklin. A Commision & Instructions for that Purpose are gone to our Ministers in Europe.

As our expected Term in Congress is nearly Expired we hope some Gentlemen will come on and take their Seats by the first Monday of Novr next at which Time the State will be otherwise Unrepresented.⁴ We are with the greatest Respect Your Excellencys most H[on]ble Sevts.

Elipht D[yer]

Benj Hunting[ton]

RC (Ct: Jonathan Trumbull, Sr., Papers). Written by Huntington and signed by Huntington and Dyer.

¹ JCC, 23:590-91.

² See Dyer to Trumbull, October 19, 1782, notes 4 and 5.

³ The ordinance for administering the post office had been read for a second time on October 2 and was adopted by Congress on October 18. *JCC*, 23:632, 669–79.

⁴ Oliver Ellsworth and Oliver Wolcott did not arrive to take their seats in Congress until December 20. However, as Dyer's credentials were being extended by the Connecticut Assembly at this very moment, the state was not left unrepresented when the new Congress convened on November 4, although it was a few days later when Huntington returned home and Dyer departed for the Connecticut-Pennsylvania trial at Trenton. See *JCC*, 23:707–8, 714, 717, 822–23; and Dyer to Trumbull, November 8, 1782.

John Hanson to Thomas Sim Lee

My Dear sir,

Philadelphia October 8th 1782

I am honored with your Excellencys two letters of the 3d and 4th instant. It would give me pleasure at all times to be serviceable to any Gentleman honored with your Excellencys recommendation, and more especially when it is in favour of one for whom (as in the present instance) I have a personal esteem & regard. But I must inform your Excellency that untill all the states have passed similar Laws granting the 5 Per Cent Duty, no Commissioners Can be appointed. Hitherto the State of Rhode Island has refused or delayed to Adopt the measure and before it is probable any thing will be done, my time in Congress will have Expired.

I have bespoke a hat, price Six pounds, it shall be Sent to your Excellency by the first Opportunity. No news in Town worth Communicating, nor any intelligence from our ministers abroad since my last. Inclosed is this days paper, and have the honor to be with esteem and regard, Dear Sir, Your Excellencys most humble Servt, J.H.

RC (MdHi: Lee, Horsey, and Carroll Papers deposit, 1988).

Joseph Jones to Edmund Pendleton

Dr. Sr.

Phila. 8th Octr. 1782

I had written you a long letter the last week but Madison insisting it was his turn and that he had done the same and been full on the several matters contained in mine I the more readily suppressed it as it woud. throw our correspondence into the regular channel. We have the last week no European intelligence of consequence. Our Colleague Mr. Lee received a Letter from Mr Jennings at Brussels dated the 29th of July the latest account I have heard which says the negotiations were not suspended—that it was apprehended Ld. Shelbourne woud. not continue long in Administration as he was universally distrusted. But I fear he has so much the confidence and Sentiments of

his Masters; nothing but the clamour of the Nation for peace and independence to America, will speedily traduce these events. The same Letter enclosed the Act of the british parliament authorising the King to make peace or truce with the revolted Colonies. We had no account of this Law other than that it was on its passage through the legislature when our Letters came from Europe and it was doubted whether it passed the several benches but now I think it certain that it received the royal assent abt. the 4th July. A report prevailed here two days ago that the Marquis was arrived at Boston a confirmation of this (which I do not report) woud. leave us withot. doubt that the negotiations were at an end, or nothing soon reported from them, as that young Nobleman remained behind when the baron Viomenel, Duke Segur &c came away, for no other reason than to render his aid on the important occasion. The policy of Britain undoubtedly is to remove great part if not the whole of their Troops from the Continent to the W. Indies and there make what impression they can on France and Spain while they cease offensive interior war agt. us taking care to secure their posts in Canada and the western Country by strong reinforcements least we shod. make attempts that way. Nothing but disagreement or disaster can well prevent the combined fleets in Europe from making impressions on the british command perhaps finally affecting the reduction of Gibraltar as they are much superior to that under Ld. Howe.

The barrenness of the last week for news renders the papers uninteresting. I have sent you Oswalds wch. contains rather more entertainment than the packet. Truly I am, Yr. aff Servt. Jos. Jones

RC (NN: Miscellaneous Folders).

James Madison to Edmund Randolph

My dear friend

Philadelphia, Ocr. 8. 1782.

Your favor of the 27th of Sepr.¹ came to hand yesterday and is a fresh instance of the friendly part you take in my necessities. In consequence of the hint in your last² of a pressing representation to the Executive, our public letter of last week³ touched on that subject, but the letter rcd. yesterday from the Govnr.⁴ which seems to {chide our urgency},⁵ forbids much expectation from such an expedient. The letter from Mr. A inclosed for me a 2d bill on Mr. Holker for 200 Dollars, which very seasonably enabled me to replace a loan by which I had anticipated it.⁶ About 350 more (& not less) would redeem me compleatly from the class of debtors.

I omitted in my late letters to inform you that the Sweedish Minister at Versailles had {announced to Doctor Franklin the wish of his king to become an ally of the United States and} that the {treaty might be}

negotiated {with the doctor in particular}. A Plenipotentiary {commission has in} con{sequence issued for that purpose}. The {model} transmitted {by Congress is pretty analogous to the treaty with France}, but is {limited in duration to twelve years}.

Mr. L[ovel]l.⁷ Notwithstanding the particular {desire of the k}ing of {Sweden—Lee, Izzard} and {Bland} particularly the first & last, {struggled} violently {to deprive} the {doctor of the honour} intended {him}. Their {struggles and} man{oeuvres} however had {no other effect} than to {display their extreme enmity}.

I have put the above article of intelligence in cypher because secrecy was requested by {the doctor}. The request has not I find been very scrupulously attended to by others.⁸

A letter was rcd. yesterday from Mr. Dana, bearing date the beginning of March. He had not then committed the step of which he had rendered us apprehensive, and assigns as the *reason of the delay*, the incompatibility of {the mediatorial character of the Empress with its success}. You will recollect the doctrine maintained in his former letters on this subject.⁹

In the answer to the communications of the French Minister relative to the current negotiations at Versailles, Congress after renewing their usual assurances {took occasion to press} upon his {M.C.M. in} very {strong terms the objects} confided {to his discretion} including expressly {the free navigation of the Mississippi}. This I hope has {appeased in some the rage} for {varying the plan of our ultimatum}. How far it will be {acceptable at Versailles} I can not say. When that {paragraph of the answer was read public [to] the minister here by the} committee, {his} emotion was {expressed by a} strong & universal {suffusion of the face}. The Declaration of Congress published in the inclosed paper, will {however sweeten the pill}.¹⁰ Such a Declaration altho' in some respects {objectionable was judged upon the whole advisable at the present juncture}. Our {ministers in Europe} particularly {Jay urged it} much. Commisrs, Emissaries & Spies are {announced in all their letters as the probable vehicles of} British poison. We all know that this poison requires no antidote here. But we can not contest the judgment of our {ministers in Europe as to what} may be {best calculated for that meridian}.

Docr. Lee set out the day before yesterday for Virga.¹¹ His arrival at Richinond will give you access to such of the transactions of Congress as I may have from time to time omitted.

L——l.⁷ {He left} this {place} I believe in not {the best of humours}. In {Congress he} has {been frustrated} in several favorite {objects} And from the {press he has} been {most rudely} hand{led}. The paper {of {Saturday is} a {mild sample} of {his sufferings}. Whether the {charge upon which} these {attacks are} made, {be true or not} I can not {decide}. On the first supposition, my {feelings would} have been {irritated} into a {disavowal} & the {general com}ment {on his silence} shews that {prudence would} not have {repressed them}.¹²

In the paper which I inclose to Mr. A.¹³ is the act enabling the King to conclude a peace or truce with the colonies. At the date of the late despatches from France, the passing of the bill was disbelieved, and the supposed delay of it till the next session considered as one index of the hostile views of British Court. As there are 2 papers which come out now on Tuesdays¹⁴ I shall divide them between you & Mr. A. so that an interchange will supply you both with the whole of the news.

We have not a word further from N York. At the meeting of the Comrs. for settling a cartel, a remonstrance was presented by those on the part of the U. S. on the subject of accts. &c. The Comrs. on the other part refused to receive it or to send it [to] Sr. G. Carlton. Genl Washington has inclosed it to him in a letter which has not yet been answered.¹⁵ This is all we as yet know of the negociation.

I hope you will execute your plan of framing a fresh Cypher.¹⁶ In case of a conveyance I will send the printed sheets I promised. But do not suffer this expectation to interfere with your own purpose.

Farewell.

[P.S.] Genl. Lee died here on Wednesday last after a short illness.

Penet &c. we hear from Mr. de Marbois has become a bankrupt, of which the State of Virga. will take notice.¹⁷

RC (DLC: Madison Papers). In Madison's hand, though not signed. Madison, *Papers* (Hutchinson), 5:186-88.

¹ See *ibid.*, pp. 165-66.

² *Ibid.*, pp. 150-51.

³ Virginia Delegates to Benjamin Harrison, October 1, 1782.

⁴ See Madison, *Papers* (Hutchinson), 5:169.

⁵ Words printed in braces in this text were written by Madison in the official Virginia cipher except where indicated.

⁶ For Jacquelin Ambler's letter of October 5, see *ibid.*, p. 182.

⁷ The words printed in braces in this paragraph were written in James Lovell's cipher, for which see Madison to Randolph, July 16, 1782, note 2.

⁸ Among "the others" not adhering to Congress' vow of secrecy in foreign affairs were Abraham Clark and David Howell, for whom see David Howell to John Carter, October 16; and Madison's Notes of Debates, December 6 and 13, 1782.

⁹ Francis Dana's March 5 letter to Robert R. Livingston was read in Congress on October 7. See PCC, item 89, fols. 610-17, item 185, 3:44; and Wharton, *Diplomatic Correspondence*, 5:223-25. For Dana's former "doctrine," see Madison to Randolph, April 23, 1782, note 6.

¹⁰ These congressional resolutions of October 4 had been published in the *Pennsylvania Gazette* for October 5.

¹¹ Congress had granted Arthur Lee leave of absence on October 4. *JCC*, 23:639.

¹² For "these attacks" on Lee's conduct, see Madison, *Papers* (Hutchinson), 5:190nn.23-25.

Another reaction to Lee's behavior in Congress is the following satirical poem by Arthur Middleton without date, but written during his 1782 term in Congress, which came to a close October 15. "He stands upon A vantage ground, With Clouds & Darkness thrown around; & on the Spur of each Occasion, He pesters us with Nonsensation; When'er Lee's puzzled, looks about, And each assertion clothes with Doubt." To the word "Nonsensation" Middleton footnoted a mock Latin quotation, "Longitudo verbi, magnitudinem Stultitiae exprimit," which he attributed to a "Bathologius Bentleius." Middleton Papers, ScHi.

¹³ Jacquelin Ambler.

¹⁴ David C. Claypoole's *Pennsylvania Packet* and Eleazar Oswald's *Independent Gazetteer*, which had begun publication in April 1782.

¹⁵ A copy of Washington's October 2 letter to Sir Guy Carleton had been laid before Congress on October 7. See *JCC*, 23:640n.3; *PCC*, item 149, 1:717–18; and Washington, *Writings* (Fitzpatrick), 25:231–32.

¹⁶ Randolph had promised Madison a “fresh Cypher” more secret than the official Virginia cipher and less complicated than Lovell's, for which see Madison, *Papers* (Hutchinson), 5:166, 307n.1. Randolph's nomenclator, which Madison received in early December, is described and printed in Ralph E. Weber, *United States Diplomatic Codes and Ciphers, 1775–1938* (Chicago: Precedent Publishing Inc., 1979), pp. 88–89, 342–46.

¹⁷ See the following entry, note 4.

Virginia Delegates to Benjamin Harrison

Sr. [October 8, 1782]¹

We are honoured with your Excellencys favor of the 28th ult.² by this weeks post and are sorry the occurrences of the past week furnish us with nothing material for your entertainment.

The enclosed determination of Congress on the application of the legislature of New Jersey respecting partial payments made by other States to the Troops of their particular lines being of general concern, we take the earliest opportunity of conveying to your Excellency for your information, although we have no doubt it will soon be transmitted through the proper channel.³

Virga. having had considerable dealings with the house of Penet & Co. we think it necessary to communicate to your Excellency, that we are informed of their failure by such authority as [cann]ot be doubted.⁴ With great respect we are, Yr. Excellencys most obed. sevts.

James Madison

Jos. Jones

RC (Vi: Continental Congress Papers). Written by Jones and signed by Jones and Madison. Endorsed: “1.r f'm Virga Delegates, Octr. 8. 82.” Madison, *Papers* (Hutchinson), 5:185.

¹ Manuscript torn; see endorsement.

² See *ibid.*, p. 169.

³ For the “enclosed determination” see Daniel Carroll to Thomas Sim Lee, October 5, 1782, note 2.

⁴ The delegates had learned of the bankruptcy of Penet, d'Acosta Freres et Cie, of Nantes from the marquis de Barbé-Marbois, for which see the postscript to the preceding entry.

James Duane to George Clinton

Dear Sir, Philadelphia, 9th Octobr 1782.

Being much engaged and nothing offering worth your attention I did not write to your Excellency by the Post. Mr. L'hommedieu how-

ever informed you of the State of Vermont Business at that time.¹ Since, Mr. Phelps has arrived and I believe his Eloquence will be well employed. He has opportunities; his singularity draws attention, and he overflows in the plenitude of his Communicative Powers. He is, however, terribly distressed; without Cloaths fit for the season: without money or Credit to pay for his board: and leaning on the scanty support which the exhausted purses of your Delegates can afford. What is to be done for him? I hope your Excellency may be able to remit the supply for which I took the Liberty to write; otherwise I must hasten home. It is my wish to wait for Relief as I suppose Col. Hamilton & Col. Floyd will be here pretty early in the ensuing month—but propriety must yield to necessity. Capt. Rutgers delivered me a kind message from your Excellency which I understood; but how can I think of disposing of your property at less than you value it, for my Accommodation?

We have no news of a late date from Europe. The Combind and British Fleets were left by the last Accounts on the English Coasts in a Situation which may produce an Important Conflict. In my opinion, however, neither side will wish to hazard an Engagement on which so much depends. There is no doubt but the British are inferior to the combined powers in numbers; but they think they have an advantage in this Admiral Don Cordova, the Spanish Admiral, who commands the Expedition.

I am sorry to hear of my Friend Benson's illness. If my good wishes prevail he will speedily recover. Accept the Colection of papers which I now transmit for your Amusement. They contain all the news.

As soon as I can write to the purpose on the Vermont business I shall not fail.² In the meantime it would produce little advantage on so beaten a subject to trouble your Excellency with Conjectures.

Be pleased to present my respectful Compliments to your Lady; and to believe that I am with inviolable Regard & Esteem, Dear Sir, Your Excellency's affectionate & most obedt. humble Servt.

Jas. Duane.

Reprinted from Clinton, *Papers* (Hastings), 8:43-45.

¹ See L'Hommedieu to Clinton, this date. See also Duane to Clinton, and New York Delegates to Clinton, September 21, 1782.

² See Duane to Clinton, October 23, 30, and November 15, 1782.

John Taylor Gilman to Meshech Weare

Sir

Philada. Octr. 9. 1782.

I wrote you Two Letters on the 2d Instt. which Hope you will timely receive; I have not a Single Article of Intelligence to give you, more than is Contained in the News-Paper which I Inclose. Collo. Laurens

(whose Death you will see an Account of) is much Lamented by all who knew him; he was a Son of the Honble. Henry Laurens formerly President of Congress.

It is so long a time before my Letters reach you, that perhaps you do not receive any material Information from the News Papers which I Inclose; If that is the Case, please to inform me, that I may Omit Sending them. I am very Anxious for the Arrival of Judge White.

Have the Honor to be with great Respect, Your most Obedt. Hum
Servt. John Taylor Gilman

RC (MHi: Weare Papers)

David Howell to Welcome Arnold

Sir, Philadelphia 9 Octob. 1782.

Your acceptable favour of 17 Ult. came to hand a few days ago. I am happy to find that my Conduct in respect to the Impost meets with the approbation of one of my Constituents for whose judgment I have such an high value.

For an account of the National debt, arrangements in Finance, taxes, estimates for the ensuing year—Powers of Congress, with foreign intelligence & sundry other matters I must refer you to a late Letter I have written to His Excellency Govr Greene.¹

I expect Congress will demand a Categorical answer from the State in regard to the Impost at next Sessions of Assembly.² I cannot doubt but it will be given with firmness. I could wish to attend the Octob. Session of Assembly but it is impossible. Should the Impost be adopted, which God forbid, I should no longer suppose myself the Representative of a Sovereign & Free State; but wish to be recalled by the same act & sink into my former retirement on my little place where I have spent the pleasantest part of my days. You cannot take too much pains in giving the members of the House due information previous to the Important vote being put, which is to decide the fate of the Liberties not of one State only but of 13, & that not only for the present generation but for all posterity. In such a case your well known prudence will lead you to take every precaution & use all Diligence.

You hope the Committee for restoring public credit will answer a good purpose. I wish they may, credit is wanted more than money. The high prices evince the plenty of money beyond a doubt. Could credit, public & private, for both in a certain respect depend on government, be restored, it would be easy to carry on the war by credit & moderate taxes without an Impost.

If we pay our intrest it is one good step toward establishing our credit. A tax you will s[ee] is ordered for that purpose. I hope it will be approved of.

I am happy in the arrival of Dr Arnold. We shall renew the application for the *back lands*.

I am glad you have accepted the very Honorable appointment to which you refer.³ The States, who have chosen you are both very happy in the choice & have full confidence in your judgment & incorruptible Integrity.

I am &c.

David Howell

RC (PHi: Jenkins Collection). Addressed: "The Hon'ble Welcome Arnold Esqr., Providence."

¹ Not found; but see Rhode Island Delegates to William Greene, October 15, 1782.

² For Rhode Island's "Categorical answer" rejecting the Continental impost, see Howell to Arnold, November 17, 1782, note 1.

³ That is, as one of the commissioners to resolve the Connecticut-Pennsylvania boundary dispute, for which see John Hanson to William Whipple et al., August 28, 1782.

David Howell to Theodore Foster

Dear Sir,¹

Philadelphia 9 Octob. 1782.

Your very obliging & complimentary Letter 21 Ult. came duly to hand by our friend Dr Arnold 5th Inst. & is now before me. The apologies you make about writing to me were perfectly needless. No body writes more freely to a friend than I do, or perhaps requires more candour & indulgence—"Hanc veniam damus, petimusque vicissim."² I can scarcely excuse you for not writing me before; I expected it. I had written you one Letter, which I did not send for several reasons.

If you, who are at home duly considered the great intrest you have in the Conduct of your Servants abroad you would take more pains to give them necessary information & useful hints from time to time as well as to enquire strictly into their Conduct. I wish my Constituents to know every Sentiment I have advanced & every vote I have given; If I have been wrong I may then be convinced of it & put right; If I have been right I shall receive that approbation from the good & virtuous which every honest Servant of the public is entitled to—This is the reward I covet, this is the object of my wishes & while I pursue the good of my Country I am sure to obtain it in Spite of envy itself.

For many particulars about revenue, taxes, powers of Congress &c. I refer you to my Letter to his Excellency Gov. Greene of Sept. last.³ I hope you will read it over & take some pains to see that it is not misinterpreted. It was written in great haste. As the Genl. Assembly will set in Providence & Congress are about to require of them a final & categorical answer in regard to the Impost I hope every exertion will be made on the occasion by the friends of Liberty & a free trade. I want much to be there but it is impossible; should it be adopted I shall no longer consider myself as the Representative of a Sovereign & free State but wish to be recalled to sink again into retirement on my little farm where I have spent the pleasantest part of my days; But I cannot

suspect the firmness of our Assembly; I hope they will not be *driven* into any measure. This is but an entring wedge, others will follow—a land tax, a pole tax & an Excise. Is it not best to oppose the first in such a manner as to discourage applications for the others?

I have had an hard time of it in several respects the last Summer here—but the opposition & counteraction from my Colleague has been most grievous; I am now happy in the arrival of Dr Arnold. I doubt not he & I shall agree in substantial at least.

Two of the Delegates from Maryland informed me a few days ago that if Congress would not do any thing about the *back lands* they intended to write to their Assembly,⁴ which would set soon to repeal their act adopting the Impost. I hope you will hear soon that it is repealed there. It is not yet adopted in Georgia. I find the Delegates of that State are rather averse to it. I think they never will adopt it, at least fully.

The friends to the Confederation increase & that from a conviction that no change can be effected in it by universal Consent.

I wait with impatience the Letter you promise by the Post & hope to be better remembred by you in future than for the time past. Please to remember me kindly to the Honbl. judge Foster. Let him know that I still esteem him as my friend & should be glad to receive a line from him.

With Sentiments of esteeme, I am, Sir, yours &c,

David Howell

P.S. Please to present my respects to Mrs Foster, Mr Fenner &c

RC (RHi: Foster Collection). Addressed: "Theodore Foster Esquire, Providence."

¹ Theodore Foster (1752–1828), a Providence lawyer, was a member of the Rhode Island Assembly, 1776–82, and the author of several anti-impost articles published in the *Providence Gazette* under the pseudonym "A Freeholder." See *DAB*; and Irwin H. Polishook, *Rhode Island and the Union* (Evanston: Northwestern University Press, 1969), pp. 73–75.

² Cf. Horace *Ars Poetica* l. 11, "hanc veniam petimusque damusque vicissim"—"this license we [poets] claim and in our turn we grant the like." *Horace, Satires, Epistles and Ars Poetica*, trans. H. Rushton Fairclough (London: William Heinemann Ltd., 1932), pp. 450–51.

³ Not found.

⁴ The Maryland delegates attending Congress at this time were Daniel Carroll, John Hanson, William Hemsley, and Turbutt Wright.

Ezra L'Hommedieu to George Clinton

Sr,

Philadelphia, Oct. 9, 1782.

Altho your Letter and the Affidavit respecting the Proceedings of the Vermonters were presented to Congress as soon as they met, after your Express left this Place, & were immediately after being read,

committed,¹ we have not as yet been able to get a Report from the Committee. This delay gives me great uneasiness, as I am sensible of the Necessity of the immediate Interposition of the United States for the Relief and Protection of the Sufferers, and for the Preservation of Peace in that Country. I believe the Delay has been owing more to different sentiments in the Committee, than inattention to the Business. Colo. Bland heretofore has warmly espoused the Vermont Claim of Independance; Mr. Middleton has uniformly approved it; Mr. Montgomery the third Person of the Committee, has I believe lately altered his sentiments on that subject. Charles Phelps, Esquire, has had the satisfaction last Evening of being heard before the Committee Two or Three Hours, with very little Interruption, and laying before them a Number of Affidavits & other Papers relative to the Disturbances by the Vermonters, which Affidavits the Committee judged to be so important that they did not stop to make a report, till they had been read in Congress & referred to them; this I consented to, altho the Report will thereby be delayed one or Two Days. At present it is difficult to determine how far Congress will proceed in this Business, tho' I cannot but think the Votes of seven States may be obtained to put an End to such violent Proceedings.

The Back Lands is an object of so great magnitude & Expectation that at present it influences the Politicks of almost all the States; it has become a serious matter, and unfortunately the States are greatly divided on the subject. I much question whether a Vote of Congress could be obtained for Accepting the Cession of the State of New York,² altho it should be agreed there were no Dispute in the Title and in Case the other States do not make Cessions of Part of their extensive Territorial Claims, the States who have no unappropriated Land will obstruct Measures necessary to be pursued by the several States, in order to compel some States to make such Cessions of Land, as they say they have reason to expect. Rhode Island gives this as a Reason why she does not comply with the 5 pr Cent Act.

We have no late Authentic Advices from Europe. By the last Accounts it was not expected that a Peace would suddenly take Place, but That the British Ministry were still flattering themselves that they could by Emissaries, Artifice or Deception, induce America to make a separate Peace. The British Negotiator, Mr. Granville, in a Conference with Count d'Vergennes, being pressed to commit to writing the offers of Great Britain respecting the unconditional Independence of America, would say no more in writing than—The King is disposed to grant Independence to America. General Greene is of opinion that the Enemy will leave New York as well as Charles Town this Fall, in order, more effectually to operate against the French in the West Indies this Winter. Many are of the same opinion here, but I cannot find that there are such Appearances of an Evacuation of that City as will justify such an Opinion.

I beg your Excellency to rest assured that I shall do everything in my Power [to obtain a ?] Decision of Congress in favour of our unhappy fellow Citizens on the New Hampshire Grants and am with great Regard and Esteem, Your Excellencys most obedient and very Humble Servt,
Ezra L'Hommedieu

Reprinted from Clinton, *Papers* (Hastings), 8:41–43.

¹ See James Duane to Clinton, and New York Delegates to Clinton, September 21, 1782.

² But for Congress' acceptance of New York's cession, see Duane to Clinton, October 30, 1782.

Ezra L'Hommedieu to John Tayler

Dear Sir.

Philadelphia October 9. 1782.

I conclude you are so busily employed in fixing up old Vessels and procuring Boards & other Articles for the New York Market in Expectation of a sudden Evacuation of the Port that you have had little or no Time to write to your Friends. I expected to have heard from you before this Time when I saw you last; I should be glad to know what success you have had in purchasing Vacant Lands upon the Plan we agreed on at Albany, and whether you have got an Appraisal of the confiscated Lands for which you made a Deposit of Certificates. I am now more induced to believe than ever I have been, that no restitution will ever be made of Tory Property confiscated or sold. The Ministers from these States, as also the Court of France, have been so well informed of the insuperable Obstacles and of the want of Power in Congress & of the Impracticability of their enforcing in the several States any such Measures, that I have no Expectation that such an Article will ever be agreed to, and if it should be, it never will be complied with by the different States. I expect at my return home to be possessed of some money which I should be glad to lay out either in Vacant or confiscated Lands if there should be any Advantageous Purchases to be made.

We have no late authentic News from Europe, by the last Accounts it was not expected a Peace would suddenly take Place, the present british ministry still entertaining the delusive Hopes of making a separate Peace with these States.

Some are of Opinion The Enemy will leave New York as well as Charles Town this Fall in order more effectually to operate against the french in the West Indies the next winter. Be so good as to let me hear from you as soon as you may find it convenient to write. With respectfull Compliments to Mrs. Taylor, I am Dear Sir, your most Obedt Servt,
Ezra L'Hommedieu

RC (N: Miscellaneous Manuscripts). Addressed: "John Taylor Esquire Albany."

James Duane to George Washington

Dear General,

Philadelphia 12th October 1782.

It was not till the 10th that I had the Honour of your Excellency's favour of the 1st Instant;¹ Mr Arnold the bearer having been several days in Town before he deliverd it. Sincerely attached to your Excellency by every Motive which can command Affection and Esteem, the Reflections which introduce your Enquiry on Huddy's Case give me great Concern. Whatever may have been the Indecision of the Sovereign Power of these States on Points in which their Commander in Chief hath at any time asked for Direction, a Delay never has been tinctured with Indifference or Disrespect towards him, and much less with a Desire to with hold any necessary Support. The unreserved Confidence reposed in his military Talents and personal Virtues, can want no Proof while the Journals of Congress, or a Transcript of the Powers which he possesses, remain in Existence.

I think in a former Correspondence I had occasion to observe on the Dilatoriness incident to a popular Government, like ours, composed of thirty or forty Members from various parts of an extensive Continent.² In Cases of Intricacy and more especially where the Passions are engaged Tardiness is unavoidable; and without questioning a Rectitude of Intention, or the Want of Attachment to the Person interested in Dispatch, the Cause may be found in human nature. This I most sincerely believe to be a Key to the Case under Consideration.

Shortly after the Receipt of the Proceedings of a british Court martial on the murder of Capt. Huddy they were referred to a Committee. To encrease their Embarrasment the same Committee were also charged with the Complaints respecting the Execution of Col. Haynes, and the Infringement of the Cartell made by Authority of General Greene and Lord Cornwallis for the Southern Department.³

I know not whether your Excellency is fully apprized of the Subject of the last Reference. General Greene describes it as a Dispute leading to Consequences which might affect other Departments, and which involved questions respecting allegiance, the obligation of Subjects a[nd] the Rights of Punishment; and which had—it might be Added—enkindled an uncommon Degree of Resentment and even Rage in every Man acquainted with the amiable Character which Col. Haines had sustained.

The murder of Capt Huddy with the subsequent Circumstances your Excellency Justly ranks among the difficult, intricate and perplexing Cases which have arisen in the Course of your illustrious Command.

It seemd necessary to premise these particulars to make way for a precise and candid answer to your Excellency's Enquiry.

It is, Sir, from the Difficulty and Perplexity of these two Cases; from the Influence they may have on our national Character; from the

Impressions they have made on the minds of the publick and of Individuals; from the Peremptoriness of our past menaces: from the Change of the British Cabinet and of the Temper of the British Nation; from the pacific assurances of their General; from their evident Despair of Advantage from Coertion or Cruelty; from their withdrawing the Savages; from the Appearances of Evacuation; and from the Prospect of Peace; It is from these Considerations combined that a difference of Sentiment which arose in Congress on the first Communication of the two Cases continues and which has prevailed in their Committee not only after frequent and deliberate Discussions; but after an Addition of members to give Room for greater Unanimity. To this moment the Fate of the Questions rests with the Chairman⁴ who if not undetermined seems to be unwilling that Subjects of such Magnitude should receive the Impression of a Report from his single Voice. I beg your Excellency to believe that no opinion has been given by Congress or their Committee that, "Policy forbids a Decision on Huddy's Case." Had such a Sentiment prevailed, it could not, it ought not, to have been concealed from you a Moment. Indeed it has been observed, that by the studied Delays of the Enemy, while they so long trifled with your Excellency's humanity, and the Feelings not to say the Life of the devoted Victim, this great national affair received it's principal Embarrassment; and that it might therefore be Justifiable to regulate our Conduct by maxims of Caution; and by waiting for the Effects of an impending Retaliation; of the Address of the british Commons for altering the Conduct of the War, and of the pacific assurances of Sir Guy Carleton; And with respect to Col. Haines, by the Event of the Preparations for relinquishing Charles Town. But whatever Force there may be in these Remarks they were never maturd into a Resolution; nor do I know that they made any considerable Impression.

My own Opinion is decided and I wish it neither to be concealed nor suspended.

By the modern Practice of War, which is become a part of the Law of Nations, qualified and mitigated Hostilities are only allowed to be fair and honorable. All Commonwealths are considered as the natural Avengers of this Law, because human nature is honored by it's Institution and interested in it's observation. Hence, when the hand of Ferocity and Barbarism is employed to scourge Mankind, it is lawful to repress these Extremes and Desolations of War by Acts of Retaliation. There is however a manifest distinction between Retaliation and Vengeance. Vengeance can only fall upon the Guilty: but Retailiation which must always flow from a rational Hope to stop the wanton Effusion of human blood, or repress the Extremes of War, may reach even the Life of the innocent; because Justified by the Motive it assumes the office of Humanity. On these Principles I have formed my Judgement,

in a firm Perswasion of the Truth of the following facts: that if the british Monarch is not seriously inclined to peace he at least despairs of success by Coertion or Cruelty; that a mitigated War is the Enemy's true policy; that they have restrained the Incursions of their Savages; that their Generals have given the strongest Assurances that if the War is continued it shall be conducted on their part with Humanity; that the Character of the united States becomes every day more respectable in the Eyes of Europe and of consequence more formidable to our Enemies; that the british House of Commons, the Nation at large and part of it's Ministry are tired of a ruinous War and eager, on any Terms, to regain the Commerce and Friendship of America. These Sir, are the Grounds from which I infer the utter Improbability that the Enemy in the further progress of the War will ever occur again to the Barbarism and Extremes of which they have found the Impotency, and feel the Disgrace. It follows that it is not necessary and therefore not Justifiable to take away the Life of Capt Asgil. I know there are some who yielding to the Impulse of Just Indignation at the enormous Cruelties of the Enemy, wish for Victims to the Manes of our murdered Friends. There are others who think that our national Glory will be tarnished by a Clemency inconsistent with former menaces of Retaliation. Altho' the Change of Circumstances obviously requires a Change of Measures corresponding to the Nature of Retaliation, I censure Neither. Whatever may be the Desire of others, it is mine that this war may be concluded, as it has hitherto been conducted by us, with the Humanity which a benevolent Religion, civilized manners, and true military Honour inspire; This is a Conduct worthy of the Patrons of Liberty; It is a Conduct which will give this Infant Republick a distinguished Rank among refined and civilized Nations; and recommend her to to the Favour and Protection of Heaven.

To me it is highly pleasing so perfectly to agree with your Excellency on the manner of issuing this business. Be assured that I will give it all the dispatch of which it is capable; and that it will be one of the greatest Pleasures of my Life to convince you of the perfect Esteem and affectionate Attachment with which I have the Honour to be, Dear Sir, Your Excellancys most Obedient, most humble Servant,

Jas. Duane

[P.S.] I refer your Excellency for News and Politics to the Secretary at War who does me the Honour to charge himself with this Letter.

RC (DLC: Washington Papers).

¹ Washington's draft of this letter, which is in the Washington Papers, DLC, is dated September 30. In it he complained that "the silence of Congress" on the Huddy-Lippincott case was "beyond my conception," and questioned whether "policy forbids a decision upon the difficult points." Duane was a member of the committee assigned to recommend a course of action in this complex case of real and threatened executions. The committee's report was submitted to Congress on October 17, but no action was

taken on its recommendation to delay retaliation. When the report was again considered on October 28, the proposal and several related motions were ultimately referred to yet another committee of which Duane was a member. See Washington, *Writings* (Fitzpatrick), 25:222–23; *JCC*, 23:531n.1, 661–62, 689–91; Ralph Izard to Arthur Middleton, August 26; and John Hanson to Washington, October 29, 1782.

² See, for example, these *Letters*, 16:422–24, 633–35.

³ For the congressional response to the 1781 execution of South Carolina colonel Isaac Hayne, see Thomas McKean to Nathanael Greene and to Washington, September 21 and October 10, 1781; and John Rutledge to John Dickinson, July ? 1782.

⁴ That is, John Rutledge.

David Howell to Nicholas Brown

Dear Sir,

Philadelphia 12 Octob. 1782.

I hope you have recd the short Letter I wrote you from Princeton.¹ Instead of receiving any advantage to my health by that Excursion I was taken with a fever on my return which lasted 3 or 4 days; but it was not so injurious to the State as there was then only myself here. I have for several days been happily restored to health & attended in Congress ever since Dr Arnolds arrival.

For the very particular & interesting information contained in your Letter of Aug. 26th you will be pleased to accept my thanks; and for answer must refer you, agreeable to your own advice, to my late Letters to His Excellency the Governor—The Depy. Govr, Messieur's Jos. Brown, W. Arnold, T. Foster, J. Jenckes, J. Brown, &c. &c.² As I have written to many of my Friends on the great occasion of the October Session; which will I suppose determine the most important point ever yet determined in America. Congress, you will see have demanded a definitive answer on the Subject of the Impost.³ The Liberties of America, the intrests of the present & all future generations are suspended on a single resolve of our little State.

I have on every occasion in private conversation in Committees & in Congress used every endeavour to explain my principles of Liberty, civil, religious & personal. I have urged the principles on which the Revolution was founded, the free constitutions of the respective States & the sacred obligation of the Confederation; these have all been laboured to the utmost of my abilities—and I flatter myself that, in spite of self intrest & prejudices, I have obtained a witness in some minds to the propriety & goodness of my political System. But the whole is readily overset by linsy woolsy politicians by the *single*, tho *dreadful* word *necessity*. I know of nothing but that would justify, if it was *real*—a recourse to it shews only a disposition to carry a Scheme unfounded in reason & argument, by the *hocus pocus*, magic charm of—NECESSITY. But cannot the same word be soon employed to effect a return to Great-Britain? And will not those who will give up their Liberties, in one case through *necessity*, do it in another? I never will

yield to such a necessity—it is only pretended. There can be no necessity in any possible case to do wrong.

You will see, &, I hope approve of the Tax lately ordered by Congress of 1,200,000 Dollars, of which our Quota is 28,800 Dols to pay the intrest of our domestic debt. Our quota is lessen'd about 1/9 from that of the 8 millions. This was effected with difficulty.

This requisition is made, as all other taxes have been made heretofore on the principles of the Confederation in conformity to Art. 8. This is our sheet anchor. If we, by adopting the Impost, or any other mode of more doubtful nature, let go this important Security, our *quota* will be determined by casualties & will be most li[kely] augmented. For it is scarce to be supposed th[at] the large States & those of great influence will ever consent to an alteration, which they are not to gain by.

As you will have all the information by the Letters afors[ai]d it is in my power to give you; I have only to request you would act zealously on the present occasion let your opinion be what it will. I conceive all my Constituents have the same right to act for themselves as I have. I wish them to take the same pains to be informed & then to act according to their own minds without being duped, or cajoled by a noise & rattle of words, or overborn by the frightful authority of numbers, or majorities.

I could willingly fill up two or three sheets to you on this occasion; but it is needless. I can inform you of no more facts. And I hope & am confidently assured that you are INSPIRED with as many and the same Sentiments on these points as I am. Yours, &c. David Howell

RC (RPJCB: Brown Papers). Addressed: "Nicholas Brown Esquire, Merchant, Providence."

¹ Not found.

² Not all of Howell's letters have been found; but all letters identified as Howell's written while he was a member of Congress have been printed in these *Letters*.

³ Congress had resolved on October 10 to call on "Rhode Island and Georgia for an immediate definitive answer" on the five percent impost. *JCC*, 23:643–45. This resolve was forwarded to the governors of Georgia and Rhode Island with a brief explanatory letter of October 17 from Superintendent Robert Morris. See Morris, *Papers* (Ferguson), 6:614–15; and Rhode Island Delegates to William Greene, October 13 and 15, 1782.

David Howell to Theodore Foster

Philadelphia Octr. 12. 1782.

The Crises has at Length arrived. Congress have resolved to call our State for an immediate and Definitive Answer in Regard to the Impost. Several of those States which have complied have done it partially and on certain Conditions such as that they Retain the Appointment of the Officers. That no part of the Money shall ever go toward

half pay or Pensions. That Congress account with them yearly, That it last only till the present Debt or that which may be contracted during the War be paid. Maryland has adopted it only for 25 Years and the Delegates tell Me they shall advise their State to repeal that Grant unless they can obtain a Share in the Back Lands. And Georgia has not adopted it all and the Delegates from that State seem rather Averse to the Measure. Under all these Circumstances will our State be duped into the Measure—under all these Circumstances will our State be duped into the Measure against their obvious Interest? I think they will not. It is an important Step. It is to affect not only the present Generation but all posterity. For if Congress have Art enough to obtain such a Grant will they such in address to keep in Debt so long as they find use for the Impost? They will not. The Exertions of the publick Creditors, the Half pay Officers and of the Candidate for Offices under the Impost Establishment to bring on the Measure and enforce it are almost inendible. I hope those who have undertaken to contend for the Liberties of their Country and Retain the Zeal of 1775 will discover it on this important Occasion. Such an Occasion may not again Exist in the present Age.

I Doubt not my Friend but you will make every honorable Effort to prevent this fatal Measure from being carried into Effect. Much lies in your Power and much will be expected of you. Nothing affords more Satisfaction in Life or lays a Better foundation for hope in Death than the Consciousness having maintained the Rights of the poor, the Weak and the Ignorant against the Rapacity, the Violence and the Intrigue of the Rich, the powerful and the Subtle. These are Works of Righteousness, not to be consumed by Fire. These will bear the Trial while the Wood, the Chaff and the Stubble of Words and Parade which only serve to block Selfish designs shall be burnt up and utterly consumed.

If ever I undertook any Business from Principal and prosecuted it with Sincerity it was the Opposition to the Impost. If there ever was a Cause in which I have felt myself disposed to suffer as well as die, and in which I have Suffered as well as acted it is this. I have had an hard Time here while contending against the popular clamour, the Voice of Congress and my late Colleague. I am however Revived by the Arrival of my Friend and Colleague Dr. Arnold. "*As Iron Sharpeth Iron so doth a Man's Countenance that of his Friend*".¹ I flatter myself the Opposition to the Impost gains Ground. Several Members of Congress have declared their Aversion to the Impost and their Determination to adhere Steadfastly to the Principles of the Confederation. But I know you will not determine the Goodness of a Cause from its Success in this Wicked World otherwise you must turn not only Tyrant but infidel for Christianity meets with but few Advocates as well as Liberty. What cannot be undone should be attempted with Care and Circumspection. I can rely on you Shew this Letter to whom you please. Use every honest

Effort to Save the State and America from Slavery. Adieu and Believe
Me to be as heretofore an Advocate for freedom, an Enemy to
Tyrants, but your Friend,
D Howell

RC (RHi: Foster Collection).

¹ Proverbs 27:17.

Rhode Island Delegates to William Greene

Sir Philadelphia Octr. 13th. 1782.

Inclosed herewith your Excellency will receive Several Extracts from the minutes of Congress, relative to points highly interesting to the State we have the Honor to represent. By a Resolution of the 10th Instant Rhode Island & Georgia are called upon for an immediate and definitive Answer to the recommendations of Congress respecting an Impost;¹ Upon this important Occasion we cannot admit a doubt, That the General Assembly will adhere to those Principles of Freedom which Characterize the State, and with that wisdom and firmness which have heretofore marked their decisions and which reflect, the highest honor upon their deliberations.

We cannot omit to assure your Excellency that altho the interesting cause of the Western Lands has lately been agitated,² and the claimants *out voted*, our assiduous endeavors shall not be wanting to renew the Question as soon as circumstances shall render it proper.³

As that extensive territory heretofore belonging to the Crown of Britain has in right of Conquest devolved on the United States, by whose joint blood and Treasure the late Revolution has been effected, and as certain of these States, yet continue their Claims to share it exclusively amongst themselves to the prejudice of the Union. We beg leave to submit it to the Wisdom and Policy of the General Assembly, whether it will be expedient for our State to pass the Impost whereby these same engrossers of Land will also be disproportionally benefited before full Justice shall be done us in regard to sd Lands.

To the Extracts above mentioned we have caused the Yeas & nays to be annexed, this we think proper to be done on Questions immediately affecting the Interests of the State—as thereby the Assembly will be informed—not only with how great a Majority, and by what States each is carried, but know the particular Opinions of their own Delegates, and be enabled to give them such directions & instructions from time to time as shall be found necessary.

If the Assembly should not make a short adjournment, we shall take it as a particular Obligation to have a further grant of Money to be forwarded in the course of next month.

We have no news either foreign or domestic worth Communicating, but what is contained in the Public papers enclosed.

With the greatest respect, We have the honor to be, Your Excellency's Very Hume Servts.

Jona Arnold

David Howell

RC (R-Ar: Letters to Governors). Written by Arnold and signed by Arnold and Howell.

¹ See Howell to Nicholas Brown, October 12, 1782, note 3.

² See Howell to Rhode Island, September 25? 1782, note 2.

³ For Congress' acceptance of New York's cession of western land claims by the necessary seven votes on October 29, see Daniel Carroll to Daniel of St. Thomas Jenifer, October 8; and James Duane to George Clinton, October 30, 1782.

David Howell to Silas Talbot

Sir, Philadelphia 14 Octob. 1782.

You will doubtless be informed that the Ship — formerly the Washington has been purchased by the Continent and is to be employed as a Packet and will sail for France soon. As soon as Congress resolved to purchase her, I applied without loss of time to the Agent of Marine for the command to be given to you, as she had been given to your command by so good a judge of your abilities & your neighbour, when he was the sole owner; but I did not succeed.¹ I desired General Cornell to apply for the same purpose, whether he did, or did not I cannot tell, but he appeared doubtful of your knowledge as a Seaman.

In the conversation I had with Mr Morris on the Subject he appeared very friendly to you, and very sensible of your merits & sufferings in the cause of your Country.

The Gentleman who has the command I am informed belonged to the Ship at the time she was purchased, and had behaved so meritoriously in her, that he seemed entitled, at least in the opinion of Mr Morris, of whose candour & Prudence I have a good opinion, to a preference to the command.

I shall neglect no opportunity of procuring you a command in the navy as soon as any shall offer, & I have reason to think the Agent of Marine will have you on mind.

I wait your answer to my former letter about your accounts, & soon as I shall receive your direction will comply therewith.²

I am, Dear Sir, your Friend & Humble Servt, David Howell.

RC (CtMyMHi: Talbot Papers).

¹ For the purchase of the *General Washington* and its employment as a packet to France under the command of Joshua Barney, see Morris, *Papers* (Ferguson), 6:252–53, 266, 268, 275–76, 365, 469, 517–18.

² See Howell to Talbot, August 28, and October 23, 1782.

Theodorick Bland to James Hunter

Dr. Sr.

Philadelphia Octr. 15th 1782

Neither time nor health permitted me by the last post to be so full as I could have wishd with respect to my small affairs in your Hands.

You may remember that when we parted I left with you five Hhds. of my own Tobo. amountg. to 5663 lb. Nett with an order for you to receive all the Tobo. that shd. be brought to the Warehouses at Petersburg on my own acct. either from my own Plantations or elsewhere, at which time I informd you I expected that some wd. be paid me by Mr. Tucker, My Father & Mr. Yates—Since which Mrs. Bland acquainted me by letter that my overseer had brought down four Hhds. and my father had Sent down two on my acct. for which last Mrs. Bland desired Mr. Minor to receive the notes—besides these Mr Tucker was to pay you on my acct. one Hhd. & Mr. Yates was indebted to me three or four which in all s[houl]d be between fifteen & Sixteen Hhds—for all this and the Tobo. of Mr. Randolphs Estate which is at my disposal I had and since have had the offer of 22/6—but had determined not to accept of it. I moreover left with you a Bill of Mr. Ross for eighty dollars, and I think thirty or forty dollars in Specie for Mrs. Bland, with a request that you wd. pay her that Sum and furnish her with what other Sum she might want, which I wd. repay you—for this purpose I had directed her to sell wheat about 80 or 100 Bushels—which she did for 4/ per Bushel to Mr. Nelson—and orderd the Money into Mr. Minors hands—besides which she put by my directions the accts. against several persons Viz. Col. Peter Poythress, Mr. Peyton Randolph and others into Mr. Minors hands to receive—and when received to pass to my Credit. It being my intention to desposit in your hands all the Tobo. and Money I could collect as a sure deposit for me in time of need—and to accommodate you by way of loan with the Tobo without Interest, untill I shd. find it to my advantage to sell it when I proposed to give you the refusal if you were willing to give me the price offerd by others when that Period shd. arrive—and if any balance shd. arise for Merchandize furnishd my family or plantations to pay you such Balance at the end of Six months or when you might demand the same—thus I conceived that the negotiation wd. be advantageous to both, and a perfect reciprocity of good offices and commercial conveniency wd. take place. You will therefore Judge of my Surprize when I was favor'd with your acct. wherein I am Charged with 80.8.4 1/2 of which £33 cash advanced Mrs. Bland is a part—without Cr. for the Bill and Cash left with you to at least that amount—Credited with only 3 Hhds. deliverd from My Plantation instead of four—no Credit given for two lihds. deliverd by my father on my acct.—no Credit given for Mr. Nelsons debt for the wheat—Mr. Tuckers Hhd. which was payable on demand—or any of

the acct. deliverd to Mr. Minor—all the Tobo. absorbed but about £12—and on Assumpsit to the Sheriff standing against that. But Sr. reposing the most entire Confidence, in your honor & Friendship, I have attributed the mode of the Statement of the account to what I am convinced are their proper and real causes, viz mistakes and misunderstandings which have undesignedly taken place, in our little tho complicated transactions. I have therefore no doubt but you will revise the acct. between us and put the matter on the footing it was I am sure originally intended by both of us, tis for that end and that only that I have stated all the Circumstances; expecting that this letter wd. be not only a memorandum to you but a guide in obtaining such Tobo. as might still remain in the warehouse belonging to me but the debts above mentiond from Mr. Yates, Mr. Tucker, Mr. Poythress, Mr. Randolph—exclusive of which Mr. Nelsons acct. for wheat & the Hire of my Cooper hired him by Mr. Minor will come in as auxiliary aids. I shall not be able to transmit my acct. of the Ballance due to me from the treasury to this time by the post of today—but hope by the next post to have it ready—when I shall request the favor of you to draw it out and remit it occasionally as I may want it, by a rough Calculation it will amount to 8 or 900 dollars, (perhaps more) exclusive of what I have already drawn warrants for—this will put you in Cash for any little sum you may advance on acct. of my Taxes independent of every other expectation I have from debts due to me. I propose also to give an order for this years Crop of Tobo. & wheat; on the Principles I have laid down above if they shd. suit you, being determined not to Sell my Tobo. untill I can get the price for it which I ask—unless necessity obliges me. Concerning the Tobo. of Mr. Randolphs Estate I hope in my next to write you more fully—the post obliges me to finish this long letter of Business & to assure you that I am with Sincere regard, Yr. obliged Friend & Svt.

Theok Bland Jun.

RC (ViU: Hunter-Garnett Papers). Addressed: "James Hunter Jr. Esqr. Mercht. Richmond, Virginia."

Elias Boudinot to Elias Dayton?

Dear Sir,¹

Philadelphia Octr. 15th. 1782

We have again had the dispute relative to the promotion of Colonels to Brigadier Generals before Congress.² It was introduced by a report of a Committee, establishing a Principle as a general Rule, "that the oldest Colonel of a State Line, shall allways be promoted [to the] Rank of Brigadier, when there shall be a sufficient number of Troops belonging to the State for such a Commandt. And that there

were on this Principle two Brigs. now wanting for Massachusetts & one for Connecticut.”³ As this Principle made it impossible for Jersey & several other States ever to have a Brigadier, from the small number of Regim[ents] in their Service, I opposed with my utmost Strength, and the resolution relating to Massachusetts & Connecticut being taken up, previous to the preamble containing the Princip, I moved the addition “& one for the State of Jersey”. This brought on a very warm debate, and finally the whole was referred to the Secretary of War to take with him to the Army, and then by a Board of Officers to settle a general line of Conduct, and report.

Not a word of News—we hear there is an Arrival at Boston from France, or Amsterdam & Letters from Mr Adams as late as the Middle of August, but are not come to Hand yet.⁴

Am Dear Sir, Your most Obedt Hble Servt, Elias Boudinot

RC (CSmH: HM 101397).

¹ Boudinot appears to be addressing the senior colonel of the New Jersey line, Elias Dayton, whose claim to promotion is the subject of Abraham Clark to Dayton, July 29 and December 11, and Boudinot to Dayton, December 25, 1782.

² This subject had resurfaced on October 14 when a motion was introduced to promote William Moultrie from brigadier to major general. A New York effort to promote James Clinton at the same time was rejected along with a motion to have the matter referred to the secretary at war, and Moultrie's promotion was agreed to the following day. See *JCC*, 23:648–56.

³ For the referral of this report to the secretary of war this day, see *JCC*, 23:650–51n.2.

⁴ The *Pennsylvania Packet* of this date reported the arrival in Boston of the ship *Apollo* on October 9. For the disposition of these letters, see David Howell to John Carter, October 16?, note 2.

John Hanson to Thomas Sim Lee

My Dear sir

Philadelphia Octo 15th 1782

No letters from our foreign Ministers Since my last and therefore Can give you no Account of the progress of the Negociation for Peace. I fear it is going on very Slowly.

The Evacuation of New York this fall remains a Doubt. What little intelligence we have from thence is rather favourable to that Event. They are not laying in wood or forrage in Any great quantities, And numbers of the refugees are embarking for Nova Scotia. [I] inclose you a paper And have the honor to be with usual esteem And regard, Dr Sir, Your Excellencys most hble servt, John Hanson

[P.S.] Your hat is not finished.

RC (MdHi: Lee, Horsey, and Carroll Papers deposit, 1988).

James Madison to Edmund Pendleton

Dear Sir

[October 15, 1782]

Extract of a letter from Sr. Guy Carlton to Genl Washington dated Sepr. 12th. 1782.¹

"Partial tho' our suspension of hostilities may be called, I thought it sufficient to have prevented those cruelties in the Jersies (avowed) ² which I have had occasion to mention more than once, but if war was the choice I never expected this suspension should operate further than to induce them to carry it on as is practiced by men of liberal minds. I am clearly of opinion with your Excellency, that mutual agreement is necessary for a suspension of hostility, and that without this mutual agreement either is free to act as each may judge expedient, yet I must at the same time frankly declare to you, that being no longer able to discern the object we contend for, I disapprove of all hostilities both by *land & sea*, as they only tend to multiply the miseries of individuals, when the public can reap no advantage by success. As to the Savages I have the best assurances that from a certain period not very long after my arrival here, no parties of Indians were sent out and that Messengers were dispatched to recall those who had gone forth, before that time, and I have particular assurances of disapprobation of all that happened to your party on the side of Sandusky ³ except so far as was necessary for self defence." The language of this paragraph shews that the hope of a separate truce, if not a separate peace is still cherished by our insidious enemy.

We are in hourly expectation of further intelligence from Versailles but have as yet recd. nothing more than has been transmitted to you, on the subject of a pacification. The story brought by the Ostenders mentioned in your favor of the 7th can scarcely be true.⁴ The combined fleets could not have left the channel before these adventurers must have got out of the European seas.

A letter from Mr. Carmichael of the middle of June speaks of great exertions & sanguine expectations relative to the siege of Gibraltar.⁵ I wish it may be brought to an issue in time to prevent any interference with the pacific operations.

The talk of an evacuation of N. York this fall grows less and less prevelent. That of Charleston has probably taken place by this time, unless new arrangements from Europe have suspended it.

An Express I am just told is come [from] Boston to the French Minister who brings acct. of an arrival at that Place from Amsterdam after a very short passage.⁶ The Minister has no letters from Europe. His correspondent at Boston ⁷ writes that the combined fleets had proceeded from the Channel for Gibraltar, that unless this Garrison sd. be speedily relieved its fall was certain, that the British fleet had returnd into port, that the French Trade with the W. Indies had arrived safe and that the French affairs in the E. Indies were in gen-

eral in a favorable train. These are all the particulars I have been able to collect with sufficient precision to be transmitted. If Despatches sd have come for Congress, the next post will be more satisfactory

I am Dr Sir with great regard yr obt. & hble servt.

J. Madison Jr.

RC (NN). Reprinted from Madison, *Papers* (Hutchinson), 5:196–97.

¹ With his letter of September 20, which was read in Congress on October 10, Washington had transmitted copies of his correspondence with Carleton from August 18 to September 16, for which see *JCC*, 23:645n.1; *PCC*, item 152, 10:673–74, 683–92, 705–6, 719–22, 725–30, 751–59; and Washington, *Writings* (Fitzpatrick), 25:220–21. Carleton's letters of August 23 and 29, and September 12 are in the Washington Papers, D1C.

² For these "cruelties in the Jersies," see Madison to Pendleton, July 16, 1782, note 4; and Madison, *Papers* (Hutchinson), 5:42–43.

³ That is, the ill-fated expedition led by Col. William Crawford, which Pendleton had recounted to Madison in August. See *ibid.*, pp. 44–45n.6.

⁴ Pendleton's letter of October 7 is now missing. See *ibid.*, pp. 194n.1, 198n.8.

⁵ William Carmichael's June 12 letter to Robert R. Livingston had been read in Congress on October 14. See *PCC*, item 88, 1:237–40, item 185, 3:44; and Wharton, *Diplomatic Correspondence*, 5:488–90.

⁶ See Elias Boudinot to Elias Dayton?, this date, note 4.

⁷ Probably the French consul general for New England, Philippe-André-Joseph de Létombe.

James Madison to Edmund Randolph

My dear Sir

Philada. Octr. 15th. 1782.

The offensive paragraph in the correspondence of Mr. L. with Mr. P. spoken of in your favor of the 5th was as you supposed communicated to me by Mr. Jones.¹ I am however but very imperfectly informed of it.

We have not yet recd. a second volume of the negociations at Versailles; nor any other intelligence from Europe except a letter from Mr. Carmichael dated about the middle of June,² which is chiefly confined to the great exertions & expectations with respect to Gibraltar. Whilst the siege is depending it is much to be apprehended that the Court of Madrid will not accelerate a pacification.³

.....

The sytoms of an evacuation of N. Y. become every day less apparent. Our next intelligence from Charlestown will proably confirm our expectations as to that metropolis.

Our friend McClurg has been here some days reconnoitreing the ground on which he has been invited to build his future fortunes. His mind seems to be so equally divided that I can not yet discover what his final determination will be. If the immediate sacrifices were less inconvenient to his finances, he would, I fancy without hesitation embrace the prospect here.⁴

Level.⁵ On a motion of {Bland a committee} was not long {since ap}point{ed to enquire into} the {detention of the money} and

{cloathing ordered} from {Holland in Gillons ship} by {Col. Laurens}. The report on the subject which was {drawn by Bland} was {one of the most signal monuments} which {party zeal has produced}. By {mutilating and discolouring} facts in the {most shameless manner} it {loaded Franklin} with the whole {guilt and} proposed finally a {severe reprehension of} him. This {unfair} hostility did {not meet with} the {expected} countenance {of Congress}. After being considerably {exposed a recommitment took place} with {an addition to the committee}.⁶

The States which {covet the backlands}⁷ are by no means satisfied with the present {prospect of being gratified}. It is in {contemplation} I am told {to renew the attempt} for a fresh {recommendation} on this subject. Unless a {clause excluding the companies be annexed Virginia} will of course {oppose the measure}. I am {not sanguine however} that the {opposition} will be {effectual}. There are not {a few members} and some of them too not the least {respectable} who altho' unfriendly to {the companies dislike} such a {condition as being unnecessary to Virginia and dishonorable to Congress}.

I am just informed that an Express which came yesterday evening to the Minister of France from Boston reports with certainty that a Vessel had arrived there after a short passage from Amsterdam. Whether the Express brought dispatches for Congress is not said. The Minister of Fr. is informed by his Correspondt. at Boston, that the Combined fleets had proceeded from the Channel towards Gibraltar, that the fall of this Garrison was strongly expected, that the British fleet had returned into Port, that the French Trade from the W. Indies had arrived safe, and that the French affairs in the East Indies were in general in a very favorable posture. These are all the particulars which I have been able to provide for this post. If any dispatches have come for Congress, the next mail will be more satisfactory.

RC (DLC: Madison Papers). In Madison's hand, though not signed. Madison, *Papers* (Hutchinson), 5:199–200.

¹ For the "offensive paragraph" in an Arthur Lee letter to Mann Page, see *ibid.*, pp. 183–84, 338–39.

² See the preceding entry, note 5.

³ At this point in the manuscript Madison copied a nearly identical "extract of a letter from Sr. G. Carlton to Genl Washington dated N.Y. Sepr. 12. 1782," which he sent to Pendleton, this date.

⁴ For speculation on the nature of Dr. James McClurg's "reconnoitreing," see Madison, *Papers* (Hutchinson), 5:201n.5.

⁵ Words printed in braces in this paragraph were written by Madison in a James Lovell cipher.

⁶ On July 12 Congress had instructed a committee chaired by Theodorick Bland to review the financial arrangements made by Lt. Col. John Laurens during his mission to France and "to make strict enquiry into the causes of detention of the money, goods &c." Bland's committee reported on September 26, but its report was recommitted October 11 when Madison and Daniel Carroll were added. Upon reconsideration on November 1 Congress dismissed those parts respecting Commodore Alexander Gillon

and referred "several papers mentioned therein" to Robert Morris. See *JCC*, 22:384, 23:700–706; and *PCC*, item 19, 3:449–55, item 186, fol. 62. For the background and disposition of this case, see Madison, *Papers* (Hutchinson), 4:112nn.5 and 6, 407–10, 5:201n.7; and Morris, *Papers* (Ferguson), 6:396–97n.

⁷ Words printed in braces in this paragraph were written by Madison in the official Virginia cipher.

Rhode Island Delegates to William Greene

Sir,

Philadelphia Octr. 15th. 1782.

On this all important Occasion we cannot be silent; A moment remains before the post sets off the Last which can Arrive at Providence before October sessions of Assembly.

The object of a Seven years war has been to preserve the Liberties of this Country, and not to assume, into our own hands the power of governing tyrannically. It has been on our part a contest for freedom not for Power; This has been the prize for which we have so nobly contended. This, the goal for which our course, so unremittingly pursued has been directed. This the sacred palladium of all our hopes. We know your early, continued, and persevering Zeal in your Country's cause, We cannot doubt your firmness.

To quicken your memory, awaken your feelings and to fix your attention is the object of this Letter. Congress have demanded of you an immediate answer in regard to the Impost,¹ should it be brought on whilst the least doubt remains in regard to its propriety, it will be safer to reject it. It can afterwards be adopted should evidence finally preponderate in its favour, but should it once be adopted—the fatal dye is cast—it is to us irrevocable. Let no man therefore vote in its favor with a single remaining doubt. For this advice we have a great Authority—"He that doubteth is damned if he eat."² It applies in this case precisely. A *perpetual grant* is demanded of you. We say Perpetual—for that it will eventually be such is as clear as the Meridian sun. It is to be granted to Congress, until all their debts are paid. They have power to contract as many debts as they please, and are not to account with you for their Conduct. Will not Half Pay, Pensions and other Pretexts, perpetually involve you deeper & deeper in Debt, and render it still more necessary to continue this grant, to perpetuity than it is to make it in the first Instance. Consult the voice of Nature, consult the Histories of Mankind—nay consult your own experience and give an answer, and let that answer govern your vote on this Occasion.

This being the case permit us, Sir, to demand of you—What right you have to make a perpetual grant of money? Will not succeeding Assemblies discover that you have invaded their rights? Will not posterity complain that you have given away their Money, which on every principle of the present revolution they would be entitled to do

themselves? Will not future Assemblies and Posterity be equally entitled to Judge and determine as to the *mode* of granting their money, as the present? No Rhetoric but that of *power*, no reason, but the ULTIMA RATIO REGUM, will be able to evince the Contrary.

Should the present deputies vote themselves perpetual, what injuries could the public sustain, but those which would result from their measures being perpetually pursued without the chance of a Change for the better by succeeding elections; but if the present Deputies can by a vote make their measures *perpetual*—they *in fact* do the *same* injury to the public as they would by voting themselves *perpetual* and eventually frustrate the ends of all future elections.

Is not this a bold attack on the Liberties of the People at large? After Congress shall have obtained a Perpetual permanent revenue at their disposal—will it not be a Temptation to that August body, after the Example of Holland, either to vote themselves perpetual, or to apply to the States for such a Grant; And should such an Application be acceded to by a Majority of the States—is it Credible that our little State would have virtue & firmness sufficient to oppose the demand? Would it not be in the power of Congress, having the *perpetual revenue* at their disposal, and having the Command of your Armies & navy to block up your Harbors, and bring war into your State? Could not your neighbouring States, lay duties and embargo's on your trade? But, We hear some minion of Power reply. You are excessively Jealous, you are affrighted at nothing. We answer a degree of Jealousy is necessary, where it is extinguished Liberty expires. Did not similar Jealousies bring about the present glorious revolution? Did America resist the power of Britain to avoid only three pence on a pound in Tea, or was it their Claims, their unlimited claims & the tendency of their Measures, was it not rather Oppression & violence Apprehended and which existed in our well grounded fears and reasonable Jealousy that brought on the present war, than the great weight of Present Injuries.

A system was formed which, if carried into effect, and it would have been by degrees would have deprived us of all that is valuable in Life. This approach of tyranny was resisted and with good reason, and hitherto by the blessing of Heaven with good success. Tyranny is to be resisted most easily and effectually in its first approaches, and at a distance, when its Standard is planted it will have numerous adherents, and power to protect and gratify them.

Should the impost be adopted, the numerous train of Officers concerned in the Collection and after management of the revenue, The Tribes of half pay Officers, Pensioners and public credit whose number and influence might be increased from time to time at the pleasure of Congress would enlarge, extend & increase their power, and soon induce *the necessity* of pursuing the remaining parts of the plan—by adopting the Land Tax, the Poll-Tax and the Excise. After which the bond of Union, to use the phrase of the Advocates of these Mea-

tures, would be complete. And we will add the Yoke of Tyranny fixed on all the States, and the Chains rivetted.

The great System of government is established by the Confederation. This was a work of time & great Wisdom. The Eighth Article points out the method of Ascertaining the Quotas of the States in all pecuniary requisitions, the *Equity & Justice of the mode is not contested*.

But it is said, Annual Taxation in this mode does not give sufficient security to the public Creditors. In reply it may be observed, that this was all the security they had a right to expect when they became creditors, of the public; This was the Ancient and only approved method of Raising money before the Confederation was adopted, The Creditors therefore who trusted the public before that period, have no right to demand a greater security for it was not promised them, in the Contract. And by the Sixth & ninth articles of Confederation the power of imposing duties is expressly retained by the States in their individual Capacities; The Public creditors therefore cannot claim a right to a Continental impost, as a security for their Money in virtue of the Confederation, which in so many words, would entirely blast all hopes of that kind—had they been previously indulged. On what ground then can they demand greater security than they have by annual Taxation? On none whatever. They ought however to be paid—and we make no doubt they will be paid, to the extent of their Just demands and that in a Constitutional way, and no other.

But it is further said, the IMPOST is necessary to give us further Credit, and to procure Loans—the contrary is fact.

We have drawn from Europe by loans or gratuity already Thirty seven Million of Livers and a large loan is now negotiating there and has in part succeeded, and will no doubt be filled up, without the security of mortgaging an Impost, or any promise of the kind. Posterity instead of regretting that our Credit was not better established, will rather admire at its extent when they feel the weight of the burthen thereby transmitted down upon them.

It is not necessary therefore to enable to procure loans abroad, but rather to be avoided on that Account as a temptation to incur an extravagant foreign debt, and endangering a more Lavish expenditure of Public monies. On what footing then is the measure necessary? No plighted faith requires it, no reasons of Finance can induce it—no policy of State can Justify—no principle of our Constitution can warrant it.

The glorious fabrick of Freedom erected in this new world, is the admiration of all Civilized Nations—may it long remain unimpaired! The structure of its several parts deserves attention and constitutes its symmetry & elegance; The weight of Congress rests & bears only on the several States. The States bear only on the several Counties, in some States and the Counties on the Towns, and in others the States

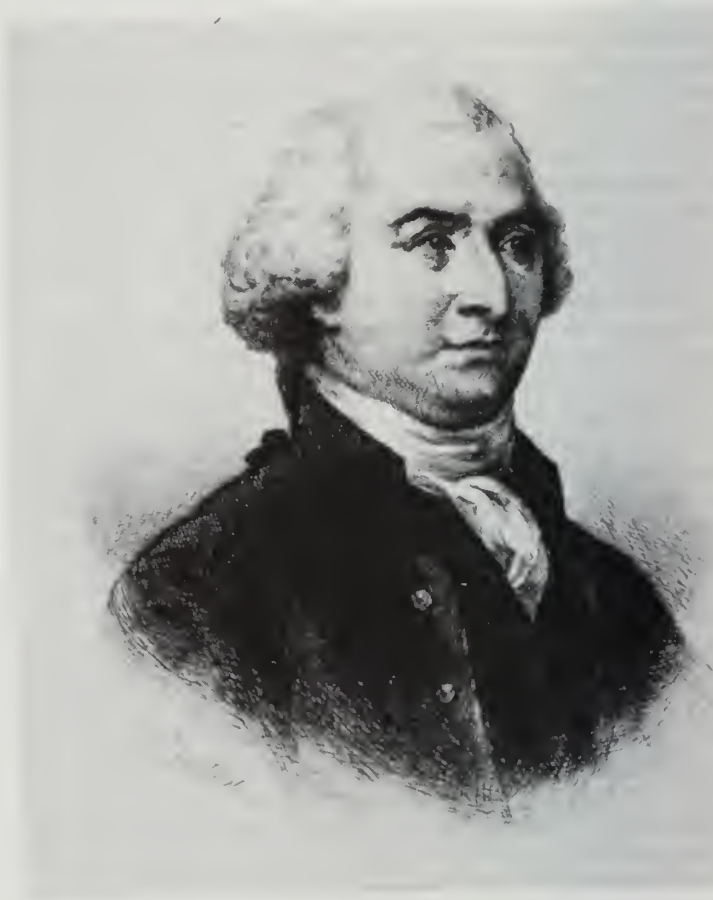
bear immediately on the Towns, and the Towns in all on the Individuals, the broad basis of Power, which reared, and supports the whole fabric.

The impost would break in upon this beautiful proportion, and empower Congress by their Own Officers, to bear with their own weight directly on Individuals. This would disturb the general Harmony, derange the elegant proportion and endanger the welfare of the whole building.

The Continental Treasury is to be supplied from the several States agreeable to Article 8th, by successive requisitions. When a new requisition is made, the purposes for which it is to be Appropriated, are to be pointed out to you—and it is to be accompanied with particular Estimates. You are at the same time to be informed what has been done, with your last Quota, and on a full consideration of the representations so made to you, you are to grant your money like freemen, from time to time. Bound only, as a sovereign & Independent State, by your sentiments of Justice, of Virtue and by your SACRED HONOR. This is the voice of the Confederation.

We shall not on this Occasion repeat the well known objections against the measure, That it would instead of lessening increase the public burthens of the Country, by the additional expence of numerous Tribes of Officers, concerned in the Revenue. That Congress are not to account for the Amount or Expenditures of it—That it would draw a larger proportion of the public debt from us, as a Commercial State and as Consuming in Consequence a larger proportion of Imposts, than any other State—That it would not be equal between Individuals, bearing harder on the poor & labourious, who are the strength of a State, Upon those who have large families, and add to the Strenth of the State by increasing its Subjects—That it would require a Military, force to execute it, and bring in Standing Armies—That our Coasts must be lined with Cutters, Guarda Costas, Gallies &c to prevent running goods—That it would multiply Oaths & bring on depravity of Manners &c &c—That a proportionate share of the back Lands, is unjustly withheld from us—& finally that the Measure would not under all these Embarrassments, be productive of, or afford, any considerable revenue. These Objections are not only well founded but so notorious, we shall not dwell on them, but conclude by Observing that a measure against which so many objections lie, and with so much weight, and which when once adopted cannot be revoked—Ought not to be adopted at all. To adopt it partially and on Condition, as some States have done would discover an Aversion to the measure mixed with fear of declaring real Sentiments. It is a Measure which must be adopted entire or not at all.

We cannot doubt but the measure will be postponed, or finally rejected by a large Majority—of the Virtuous & patriotic Legislature of Our State, which has from its first Settlement preserved its Liberties



David Howell

entire—been foremost in the present Glorious Revolution, and by a decided Opinion on this important Occasion will preserve the Liberties of the United States and transmit them to Posterity, and thereby erect to themselves a Monument more durable than brass.

With sentiments of the highest esteem, We have the honor to be
Your Excellency's Very Hume Servts, Jona Arnold,
David Howell.

RC (R–Ar: Letters to Governors). Written by Arnold and signed by Arnold and Howell.

¹ See Howell to Nicholas Brown, October 12, note 3; and Rhode Island Delegates to Greene, October 13, 1782.

² Romans, 14:23.

Virginia Delegates to Benjamin Harrison

Sr [October 15, 1782] ¹

We have your Excellencys Letter of the 5th with the inclosures² which shall be lodged at the office of foreign affairs to be forwarded by separate conveyances as you desire—the inclosed is from this office. We also transmit your Excellency an extract of a Letter from Sr. Guy Carlton to General Washington,³ in consequence of the apprehension and bringing to tryal in New Jersey, a Citizen of that State, who had taken arms agt. his Country—the latter part of it corroborates the intelligence lately transmitted us by General Washington from Canada and which we communicated to your Excellency, and gives us reason to hope the Indian ravages on our frontier will for awhile at least be suspended.

We have the honor to be with great respect yr. Excelly's. Obt. &
Hbe svts. J. Madison Jr.
Jos. Jones.

RC (MiDbEI). Written by Jones and signed by Jones and Madison. Madison, *Papers* (Hutchinson), 5:195.

¹ References herein to Sir Guy Carleton's letter of September 12 and to Washington's Canadian intelligence, and the existence of Virginia delegate letters for the post dates October 1, 8, 22, and 29 leave no doubt that this dispatch was written October 15.

² Neither Harrison's letter nor its enclosures have been found, but see *ibid.*, n.1.

³ See Madison's letter to Edmund Pendleton, this date.

David Howell to John Carter ¹

[October 16, 1782]

"This Day Letters have been read in Congress from Mr. Adams, of the 16th of August, and from Mr. Dumas, his Secretary, of the 19th.²

The Loan he is negotiating fills as fast as could be expected. The Dutch are very friendly. They will not accede to the Proposals of the British for a separate Peace; but resolve, in all Events, to act in Concert with France and the United States.

"Fitzherbert's Commission enables him to treat with his Most Christian Majesty's Minister, and those of any other Princes or States concerned, without naming the United States. The States of the Low Countries have sent a Minister to Paris, to meet Fitzherbert and the other Commissioners to treat for Peace in Behalf of the belligerent Powers. Spain will accede to no Treaty which shall not cede Gibraltar to his Catholic Majesty.

"Some of the States of Holland have consented to the Treaty of Amity and Commerce proposed to them by Mr. Adams. Another Northern Power has solicited the Friendship and Trade of the United States; and a similar Treaty may be expected soon to take Place there.

"Our foreign Affairs are in a good Train. The national Importance of the United States is constantly rising in the Estimation of European Powers, and the civilized World. Such is their Credit, that they have of late failed in no Application for foreign Loans—and the only Danger on that Score is that of contracting too large a Debt. Instead of regretting that our Credit was no better established, by an *Impost*, or *permanent Revenue* to be mortgaged for the Purpose, Posterity, when they feel the Weight of Debt thereby transmitted on them, will admire at its Extent, and rejoice it went no further."

MS not found; reprinted from the *Providence Gazette*, November 2, 1782, where it appeared under the heading: "Extract of a Letter from a Gentleman in Philadelphia to his Friend in this Town, dated October 16."

¹ The author and recipient (the publisher of the *Providence Gazette*) of this letter were identified after Congress appointed a committee to inquire into the identity of the author because its publication was believed to have undermined "the honor of Congress and finances of the United States." The inquiry was terminated when Howell confessed on December 18, 1782, to its authorship, while protesting Congress' investigation of him as "a precedent dangerous to the freedom of the press." See *JCC*, 23:791-93, 813-17.

² These letters from John Adams of August 18 and C.W.F. Dumas of August 16-19 were read in Congress on October 17 and referred to a committee consisting of Daniel Carroll, James Madison, and Samuel Osgood. See *PCC*, item 84, 4:125-32, item 93, 2:87-88, item 186, fol. 63; and Wharton, *Diplomatic Correspondence*, 5:662, 665-67. Howell's communication of information from them to his constituents was subsequently seized upon to discredit him, undoubtedly because of the key role he had played in mobilizing sentiment in Rhode Island against ratifying the five percent impost amendment. For the controversy over Howell's breach of Congress' secrecy rules, and the protracted campaign of some of the nationalists in Congress to embarrass him for this violation after his authorship became known, see James Madison's Notes of Debates, December 6 and 12; and Jonathan Arnold to William Greene, December 18, 1782.

David Howell to Solomon Drowne

Dear Sir,¹

Philadelphia 16 Octobr. 1782.

Yours of the 17 Ult. came safe to hand & is now before me.

I feel the loss which the public must sustain in the Death of the late Governor Cooke. His political character will shine among the first Worthies in our State. His singular merit consisted in his stepping forward in the Service of the public at the call of his Country at a very critical time. He was a friend to his Country in time of need.

The Sentiments you express in regard to a late production are flattering. It has the evident marks of haste upon it; the wrighter must have had one foot in the Stirrups, as we say, but the Sentiments are good & such as, I hope, will prevail.

For many particulars in regard to Impost, half-pay, back-lands, &c. I must beg leave to refer you to my late Letter to His Excellency the Governor.² As the Genl. Assembly will sit in Providence you will have an opportunity of perusing all the public papers.

Congress have called on our State to give a definitive answer in regard to the Impost; I suppose it will be done at the present Session. I hope every friend to his Country will exert himself on this important occasion.

Genl. Cornell has taken an office under Mr. Morris of 2,000 Dollars per Annum; he is inspector of Contracts in the army and Delegate too. Quere, How does this consist with Art. 5th of the Confederation?³

I am not a little mortified as well as you at British insolence on the Ocean; but it will more fully evince to Europe the necessity of a naval combination sufficient to check a power already become dangerous to their general interests.

Our foreign affairs are in a good train. Sweden has courted our friendship. An alliance of amity & commerce will no doubt soon take place betwixt that king[dom] & the United States.

I pray you to present my respects to Mrs Drown & all Friends—I hope to see you by Christmas. I am, dear Sir, Your most obedient, an most humble Sevt,

David Howell.

RC (RPB-JH: Drowne Collection).

¹ Solomon Drowne (1753–1834) was a physician in Providence, R.I. *Appleton's Cyclopaedia*.

² Howell may be referring to a letter of September 23 from which only the postscript survives, for which see Howell to the State of Rhode Island, September 25? 1782.

³ For a lengthy discussion of this point, see *ibid*.

Ezra L'Hommedieu to George Clinton

Sir,

Philadelphia Oct. 16, 1782.

By the last Post I informed Your Excellency that notwithstanding

our Importunity we had not been able to get a Report from the Committee on the Vermont Business.¹ Delays have since been made. The Committee moved for an Addition of Members, as Mr. Middleton was about leaving the City and could not attend; Mr. Carroll, Doctor Witherspoon and Colo. Dyer were chosen and a Report was brought in and read this morning, a Copy of which is inclosed;² and altho it is far from giving that immediate Relief and Protection to the Sufferers which I had reason to believe was agreeable to the sentiments of the first Committee, yet considering the Completion of the Present, at least the majority, who have been advocates for the Vermont Independence, we could not expect much more. They say 'tis in vain to keep the Peace of that Country, till the great Question is determined respecting their Claims, which Determination ought to be immediately made, but I fear under this Colour of Tactics the Decision will from Time to Time be postponed, and the unhappy Sufferers in Cumberland left to the mercy of their Enemies. I hope my fears are groundless, and that a speedy Decision of the Controversy, agreeable to the Resolutions of the 24th of Sept. 1779 will take place. I am under no apprehensions at present that a Vote of Nine States could be obtained in favour of the Vermont Claims of Independence, even if it could be supposed that Nine States had a Right by the Confederation to make a New State in the Present Case; Yet it is doubtful, whether Seven States will join in opposing that Claim and desiding agreeable to the aforesaid Resolutions, which I think is the only consistent Principle Congress can act upon at Present. I shall do myself the Honour of communicating to your Excellency by the first Conveyance the Progress that is made in this Business, and am with the utmost Respect

Your Excellency's Most Obedient and very Humble Servt

Ezra L'Hommedieu

P. S. we have no News except what is contained in the News Papers herewith inclosed.

Reprinted from Burnett, *Letters*, 6:509–10, from a document in the New York State Library before the Albany fire of 1911.

¹ See L'Hommedieu to Clinton, October 9, 1782.

² See Duane to Clinton, September 21, 1782, note 1. As the enclosed report was submitted on October 15, L'Hommedieu may have drafted this letter on the 15th and recopied it October 16.

David Ramsay to John Eliot

My dear Sir,

Philada. October 17th 1782

I return you many thanks for your favor of Sept. 29th with the inclosed oration. I am particularly obliged to you for your anxiety to furnish me with a copy of Doctor Warren's but, I have the pleasure to inform you, that this came in the first collection you were so polite as

to send me. I agree with you that it is the best in the whole sett. I have not received the one pronounced in 1781 by Mr Dawes.¹

Our Carolina exiles are in daily expectation of flags to return them home by water. I have not forgot your compliments to our common friend Mr Smith, nor to *Miss Polly* who seems to have engrossed a share of your attention. While the report of the burning of Charlestown was prevalent, they were deeply affected, but later accounts have not only contradicted that; but give us good reason to beleive that the enemy have already, or very soon will evacuate that state. Even though this event was certain, I should continue in Philada till next spring. I mention this as I suspect that you were apprehensive of my having returned to Charlestown. Whether there or here, I shall always feel a particular pleasure in corresponding with a friend whom I so highly value as I do Mr Elliott.

We have been alarmed for several weeks past with an apprehension of a drought to such a degree as to threaten a famine. This extends, as I am informed all the way from Massachusetts to North Carolina. Corn is very generally destroyed. Thank God the last night & this day have been distinguished with refreshing showers. It has often been observed that war is succeeded by famine. I wish that this may not be our case. The farmers here have lost their second crop of hay in consequence of which horsekeeping is very high. I flatter myself that the ensuing winter will produce peace. A seven years war is long enough. This present war has already lasted as long as either of the two last wars between France & England. If it had not been for the unlucky defeat of the 12th of April I beleive that we would now have been in possession of peace. The longer it is delayed I hope we will be better prepared for it, & more disposed to relish its blessings. One revolution in a life time is fully sufficient. For my part, I never wish to be concerned in a second one, & shall be very happy to pass the remainder of my days in the languid indifference of private life, peace & tranquility. That I may enjoy this kind of happiness in its highest perfection I long for that state which you so feelingly describe as replete with bliss; but, how long I must first wait is to myself unknown. With the greatest regard & esteem, I am your affectionate friend & very h
sert,
David Ramsay

RC (MHi: Andrew-Eliot Papers). Addressed: "Revd. John Elliott, Boston. Free, David Ramsay."

¹ For the orations that Eliot sent to Ramsay, see Ramsay to Eliot, July 17, 1782, note 2.

David Howell to Nathanael Greene

Dear Sir.

Philadelphia 18 Octob 1782

Your acceptable favor of the 1st Ult. came duly to hand and is now before me. The friendly manner in which you are pleased to recollect

our former acquaintance, under our present comparative circumstances, could not fail to be pleasing.

Your feelings are hurt at not receiving more frequent communications from Rhode Island. I have the pleasure to enclose you a line as I presume from a very particular friend of yours.¹ I could readily join you in complaining of my friends backwardness in writing; but the truth is this, when a man leaves his friends & goes into a strange Country he misses his friends, more than they do him—They are at home surrounded by their Friends—We are among Strangers. Add to this the diffidence of many in writing to persons of your rank in life.

Be assured, Sir, that the State look upon themselves no less happy on your appointment, than the Continent in that of the Commander in chief. You have many Friends, and I doubt not you will continue to deserve them. Bad as the world is, real merit seldom passes through life unnoticed, tho' it may unrewarded.

I left the State last May. I saw your Brothers & Friends at Greenwich, on my route, where I stayed one night. Lest you should not have been made acquainted with all the proceedings at our last Election I inform you that, Wm. Greene is Govr., J. Bowen, D. Govr, Wm. Channing, Atty. Genl., J. Clark, Genl. Treasurer, H. Ward, Secy. Supr. Court, Paul Mumford, Peter Philips, Pardon Gray, Thos. Tillinghast & Jona. Jenckes. J.M. Varnum, M. Genl., West, Holden, Stanton, Miller &

brigadiers.² Messieurs Collins, Cornell, Arnold (Dr. Jona.) & myself, Delegates. Genl. Cornell is lately appointed *Inspector of Contracts* in the main Army and his place is supplied here by Dr. Arnold, a worthy man, in whom you may confide. He will spend the winter here. I shall be relieved by Mr Collins in Decemb. (but dont let that interrupt our Correspondance) and return to my family. I wait for the time with impatience; never having left my family so long at once before.

You was perhaps surprized at my appointment to a place to which I know myself to be, in some respects unequal. I have no Apology to make for accepting it, but that as it was, on my part, unsolicited, so I shall leave it as soon as a good man can be prevailed on to accept it. So illy are public Services rewarded & so little does public Spirit prevail, that places are not always filled with the best abilities.

I had not the most distant thoughts of the appointment till three days before I was chosen—when I was waited upon by some respectable Gentlemen & requested to suffer my name to be printed against Genl. Varnums.³ I at length consented, and it is not the first instance of popular delusion. After having served three successive elections in the Genl. Assembly & spent some time in the County Court, I was honored with a Seat in the Superior Court. The business suited me so well that I sought no other promotion. My present place is on several accounts disagreeable; but chiefly on account of being absent from home. Perhaps no body was ever more attached to *the chimney corner*, as we say in New England.

I am happy to find the present members of Congress men of Superior abilities to what I had conceived. Some men of great learning are among their number; little of my assistance is required. The affairs of the Ud. States are at this day so well digested & reduced to such good order & System under the Heads of the great Departments—The army so well officered & disciplined that foreign affairs excepted, little remains to be done but executive business. The ways & means of supplying the Treasury at present engrosses our attention: could that be effected in Season it would facilitate every operation.

As to arrangements in Finance a report from that office proposes, in addition to the 5 per Cent Impost, a Land tax of 1 Dolr per 100 Acres, a Capitation of 1 Dolr per Pole, & an Excise of 1/8 Dolr per gallon on all ardent Spirits. The net proceeds of each estimated at 500,000 Dollars, could furnish a revenue of 2,000,000 per Annum.

It is to be regretted that in the actual State of our affairs an accurate Statement of our national debt is unattainable. It is estimated as follows, Viz. Foreign debt 5 millions; Funded debt bearing interest twelve millions. Unsettled accounts with the Army &c. including Staff officers certificates about 8 millions. In all thirty millions. The intrest of which Sum would be 1,800,000, something less than the annual revenue abovementioned.

But Congress are not armed with power by the Confederation to carry into effect these propositions; they can only *recommend* them to the States—Their *requisitions* for money must all be made agreeably to Article 8th of the Confederation. Out of these four propositions, the Impost alone has been recommended; the others meeting with obstructions in Congress. It has been adopted by eleven States, tho' with restrictions, limitations & Conditions in some States; Rhode Island & Georgia have as yet transmitted no acts of their Legislatures on the Subject. In Consequence, Congress have passed an act requiring an immediate & definitive answer of them on the Subject. October session will produce one no doubt from our State. This is an affair of great expectation. The public creditors are open mouthed against us. Our State would more readily admit it could they reserve to themselves the appointment of the revenue officers, and have the amount thereof raised in our State pass to our particular credit.

In the mean time, while these measures are suspended in this Situation, it being of the utmost importance to the public credit that intrest should be punctually paid, particularly on the funded debt, a tax of 1,200,000 Dollars is *quotaed* to the several States & ordered to be paid in to defray the intrest of our domestic debt for the current year.

By the estimates adopted six millions are allowed for 1783, two millions will be required in way of Tax; the remainder will be solicited in Europe by way of Loan. Mr. Adams is negotiating in Holland a Loan of 5 millions guilders on the following terms. 5 per Cent annual intrest, 2 1/2 per Cent to the Society of mercantile Houses, the under-

takers in full for procuring the money of the lenders, the principal is to remain fixed 10 years; then to be paid in five equal, yearly payments. One per Cent. on the intrest for receiving & paying it out yearly. More than one million was filled last June & there was a good prospect of its being filled by our last advice. Congress have resolved to make application for four million Dollars in addition. But perhaps I am relating things well known.

You will be informed of the result of the late meeting of Commissioners for establishing a *general* Cartel—no other will be consented to.

By the resolve of Congress⁴ you will see they have endeavored to guard the people against the insidious views of the Enemy. My official Letters to the State will discover that I never yet conceived the British Cabinet sincerely disposed to establish peace on honorable terms. Their necessities crouded hard before Rodney's affair in the W. Indies.

Thos Fitzherbert has a Commission to treat with France, &c. & with *all other princes & States concerned*, without naming the U. States, & the negotiation is still protracted, his *Mulish* Majesty has not yielded to our Independance. Next winter effectual negotiations may take place.

You will observe that *distrust is the mother of Security*. You think *we have had too much of this at home & too little abroad*. A virtuous jealousy even over our own rulers is proper; when it rises too high it is injurious; where it is extinct, liberty expires. In this, as in most things there is a *medium*, and happy are that people who discover it. As to our enemies, we have every thing to fear from their arts, & their intrigue; but nothing from their arms at present. Our foreign alliances, which may soon be more numerous, secure to us, under the blessing of heaven, a safe & honorable peace.

When no more Laurels shall remain to be won in the South, I shall be one of the many, who will bid you a cordial welcome to your native place.

I must pray you to present my particular regards to Deputy Govr Hudson, my old college mate⁵—and, others, if such there may be within your present circle, to whom I am known—And to believe me to be with every Sentiment of esteeme, Dear Sir, Your sincere Friend.

David Howell

N.B. You will excuse incorrectness. I hate copying & this letter is too long.

P.S. President Manning is now in this City—Dr. Arnold & myself attended his Lecture last Evening. He informs that the Institution under his Care is to be revived.⁶ The house building repaired & a teacher procured. Several young gentlemen have entred this fall. I earnestly wish to see learning throughout the U. States asume its former appearance. There is a close connection betwixt Learning & freedom; this is established by the best writers as you well know. I hope

your little Son makes good progress where he is at present; Dr. Witherspoon, who lodges at the same house with me, informed me a few days ago that he was well, & I have reason to think, from the Drs Conversation that great attention is paid to him in the family.

D.H.

RC (RNHi: Revolution Collection).

¹ Not identified.

² See Bartlett, *Records of R.I.*, 9:541–43, where the missing name is “Christopher Lipitt,” but “West” does not appear in the list of brigadiers.

³ That Howell was not entirely candid on this point is suggested by the fact that he had “twice before . . . sought election to Congress” (in 1778 and 1781), and that he was well aware that his campaign against Varnum and the impost amendment had greatly increased his popularity in Rhode Island. See Irwin H. Polishook, *Rhode Island and the Union, 1774–1795* (Evanston, Ill.: Northwestern University Press, 1969), pp. 69, 73.

⁴ Howell was probably referring to the congressional resolve of October 4 that urged states “to be vigilant and active in detecting and seizing all British Emissaries and spies.” *JCC*, 23:639.

⁵ That is, Richard Hutson, deputy governor of South Carolina.

⁶ That is, Rhode Island College, later Brown University.

Thomas Smith to the Pennsylvania Council

Gentlemen

Octr. 18th. 1782.

By a resolution which is just now passed, General Washington is at liberty to continue or abandon the Post at Wioming, as he shall judge most for the public good, the former resolution on that subject notwithstanding—indeed the former resolution was optional in the General. But from his Letter on this subject, I have good reason to believe that the Continental Troops will be withdrawn, unless a representation is made to the General of the apparently pernicious consequences of such a measure.¹

I objected to any new resolution being pass'd at present

1. Because it was not necessary, the former resolution leaving the matter in the discretion of the general.

2dly. Because Harmony subsisted at present between the two contending States of Pennsylvania & Connecticut, which had not been interruptd since those Troops were Stationd there; But if they were withdrawn, either the one Party or the other might get the exclusive Possession of the Post, and then it would be easy for the Party in Possession to raise obstacles to the decision of the dispute, & procrastinate it to a dangerous length, and I ventured to predict that this would be done or at least attempted, and even should it be decided notwithstanding all attempts which might be made to prevent a determination and that determination should be against the Party in Possession, I dreaded the Consiquences.

3dly. That this Post was the Keystone of protection to a great extent

of the frontiers of Pennsylvania, and I was so unfortunate as to be decidedly of an opinion directly the reverse of that of the general, respecting the peaceable disposition of the Indians—and may Heaven grant that the event may prove my want of judgment on this point! and that countermanding the Expeditions may be followed by salutary effects!

I give Council this information in order that, if they are of opinion there is any weight in my sentiments, they may make such representations to the General as they shall judge the good of the State may require.² There is perhaps a necessity for removing the Troops there at Present, if they are so undisciplined & their conduct so irregular & unmilitary as represented; but that operates only as a reason for their being replaced by others & not for evacuating the Post. The Council, will, I hope excuse my offensiveness on this occasion and ascribe it to my anxiety for the Peace of the frontiers.

I am Gentlemen, your very humble Servant,

Thomas Smith ³

RC (PHi: Provincial Delegates Collection).

¹ For Congress' October 18 resolve authorizing the withdrawal of the Continental garrison at Wyoming, which had been suggested by Washington in an October 14 letter to Benjamin Lincoln that was referred to Congress on the 16th, see *JCC*, 23:665; *PCC*, item 149, 2:57–60; and Washington, *Writings* (Fitzpatrick), 25:257. For “the former resolution on that subject,” see these *Letters*, 16:444, 450, 460, 480.

² For the Pennsylvania Council's October 19 letter to Washington asking that he not withdraw the Wyoming garrison “until the determination of Congress is known,” and Washington's October 26 response explaining that he had only suggested removing the troops “for the sake of discipline” and would never remove them “without [Congress'] express direction,” see *Pa. Archives*, 1st ser. 9:653–54; and Washington, *Writings* (Fitzpatrick), 25:301–2.

³ Smith's attendance as a delegate is difficult to document, and appears to be very intermittent from the journals. Burnett, *Letters*, 6:1. But his accounts for the quarters April 21 to July 20, and July 21 to November 12, 1782 (when a new Pennsylvania delegation was elected), explicitly assert that he was absent only three days during the entire period. Thomas Smith Accounts, Gratz Collection, PHi.

Eliphalet Dyer to Jonathan Trumbull, Sr.

Sir,

Philadelphia, Octob. 19th, 1782.

Since our last by Brown letters have been received, & by other intelligence we are informed, that five of the Judges or Commissioners agreed upon to hear and Determine the great cause between Connecticut & Pennsylvania have accepted their Trust, and propose meeting at the time and place appointed, viz., Genl Whipple from New Hampshire, Mr Welcome Arnold of Rhodisland, Judge Brairly & Mr Huston of New Jersey, & Judge Griffin of Virginia. We rather think it unfortunate for us that Govr Rutledge of South Carolina, & Mr Jones

of Virginia have refused, & that we hear nothing at present from Genl Nellson of Virginia. We had in our agreement much reliance on those gentn; tho the others have a good carracter for Candor & Impartiality, the local situation of four of them are not so agreeable as we could wish; tho' it is generally Agreed that the Extended Charters of several of the United States will be considered as very material in determining the extent & Limits of the 13 United States, when their Sovereignty and Independance are Acknowledged in a Peace establishment, to be improved against the Claims of Great Britain, and to Limit the Territory of Canada. Yet those States who have not those extended Charters affect to Consider them in every other respect as Vain and Nugatory, & that every of the States have an equal right to every part which had not before the war been located and appropriated to Individuals; which has occasioned many Disputes of late in Congress, tho the most of the States Claiming under these extensive Charters seem willing to cede at least a very considerable part of their Western claims unappropriated, to the use & benefit of the United States towards defraying the General expence of the war, which, if done to the satisfaction of the other States, would very much heal the present disputes and conciliate the matter; Otherwise I much fear it may be productive of great Animosity & Contention which may terminate to the disquiet & Injury of the whole. New York have made their Cession without Condition; tho I have but a little opinion of their right, yet it has its effect. Connecticut have made a reserve of the Jurisdiction in their Cession which seems to be disagreeable, and for my part I know of no advantage it will be to the State; for the fear of a Considerable part of the State, and what operated strongly against our Western Claim some years agoe, was the extending the Jurisdiction of Connecticut into that Western Country, that I could wish, if there is no more objection than I at present see against relinquishing the Jurisdiction, that that Condition or reservation in our Cessions might be taken off[f]. I am sure it would give great satisfaction to Congress, and Imagine it might Opperate kindly & beneficially in our Cause. The Cession of Virginia is still more disagreeable, as they make a Condition that the United States pay the Expence they Claim in defending & securing that Country in some former as well as later Indian warrs, & that Congress also Guarantee to them the remainder of their Western Claim, which has wholly prevented Congress at present Accepting the Cessions. And it is proposed to recommend to the States who have allready, as well as others which have not, to be Liberal in their Cessions & free from embarrassing Conditions & Restrictions; as Congress suppose they may be of great use & service in securing and discharging the publick Debts to enure equally and proportionally to the benefit of the whole; the Deligates from Virginia give some Incongruement of the Liberality of their State therein, and how far the State of Connecticut may proceed I must Submit to their wisdom & good discretion, but wish

whatever is done may be done soon and Transmitted to Congress without Delay, tho I think they may & ought to reserve to themselves a certain extent of territory beyond the Claims of Pennsylvania, to make good in some measure their loss, if they should be so unfortunate as to loose their cause with Pennsylvania, which I hope & trust will not be the case, but it is Impossible to foresee the event.

I Informed some time agoe that the Copies of the Delaware purchase, the Indian Petition & recognition, &c., were all agreed to and accepted as the Originals by the Agents of Pennsylvania. I requested in several of my letters to be Informed whether we had not a Copy or Transcript of the 2nd Indian deed to the Susqh. Company, the Original being in England; that Deed was not only free from rasures or interlineations but much more clear in the descriptive part of the Land & Territory thereby conveyd, but have never receivd an Answer. It was that Copy or transcript, if we had one, which was much wanted to gain the previous Consent of the Agents here to its admission, & if necessary for us to produce our first Deed, the last would readily remove all objections or exceptions against the first & have enured to a repeated Confirmation. I hope a Copy of the Earl of Warrick or Plymouth Company's surrendry, counting on the Grants they had made extending near 3000 miles, will not be forgot, nor the Copy of Penn's last Petition to the K. & Council, which we had, & the Agents pretend cannot be found here. I cannot undertake to enumerate all the papers & exhibits necessary in the Cause, & which would be needless, as 2 of our Agents are on the Spot & a Comtee which was formerly appointed by the Assembly for the purpose of making the preparations for our Defence on Mr Penn's Petition, with many other Gentn who are well aprised of what Copies, Evidences, & exhibits will be of use on the Trial. I hope the gentn who assist me will come in season & well prepared.¹

We had the honor in our last to acquaint your Excellency with the late Loan or subscription obtained in Holland by Mr. Adams, which by the way is ordered by Congress to be brot to America in Specie, and to be applied solely to the payment of the officers & soldiers of our Continental Army, also of the late additional Benevolence of the K——g of France, our application for a further Loan, (tho not favoured by the Delegates of Connecticut.) The Voluntary application of the K——g of Sweden for a Treaty of Friendship & Alliance with the United States of America, tho not at present to be publishd here. A Resolve of Congress for the Commissr appointed to Settle the publick accounts with Connecticut, to receive & destroy the old Continental bills Collected by our State; here, I could wish some way or method could be devised to sink the remainder of our proportion of that once Valuable Comodity, as I perceive there will soon arise a great Clamour from Massachusetts, New Hampshire, &c., who have very unadvisedly

got among them a large surplus; in Virginia I hear it has been lately obtained at 6 or 700 for one; it is in this place at about 300. I have applied to Mr Morriss to forward the Commissioner to settle accounts with Connecticut; he now Informs me he has sent him his orders and Instructions.² We are Informed by the latest advice that the British Court have appointed Mr Fits Herbert³ a Commissr or Plenipotentiary from that Court, with full powers & Authority to Negotiate and Settle a Peace with the States of Holland, and all other Powers & States with whom they are at War, in which the British King expresses he has it much at heart that a firm and lasting Peace may be Established, Mr Fits Herbert to repair to Paris for that purpose, &c. This was done the latter end of July.

Your Excellency was acquainted that Congress had Resolved to recommend to the several States to raise their respective Quotas of 12,000⁴ dollars, in order to pay the past Interest of all the publick Debts or Loan or which might be adjusted & settled in America, as the only means to revive the sinking Credit of these United States, & the drooping spirits of thousands in distress for their principal, or at least for a security of the Interest, by which means the principal might become of some Value to them, which was depreciating with the greatest Velocity: the intrest on the first Loans is stopd in France. Congress have since agreed to recommend to the several States to raise by a tax to the amount of Two millions of dollars more towards the Expenditures of the ensuing year, having reduced it as low as possible with an expectation that the further sum Necessary will be procured on loan; the first, to be raised for the payment of Intrest, is to be applied in the State to such of their Inhabitants as have debts & Interest due thereon, an Estimate of the proportion as adjusted on the sum I enclosed in a letter to Mr Sherman, of the last 2 million I have enclosed with this.⁵ On these I have to Lament that it was not in the power of your Deligates to have Justice done the State in their proportion of these sums to be raised, notwithstanding Our Utmost Efforts & exertions therein. It is well known I am warm, Impetuous and persevering, Mr Huntington cool, steady and Judicious; our joint Indeavours were not wanting, but in Vain, it is said Connecticut are a rich, flourishing & frugal people, they have great advantages, they must pay now, & when the Estimates are made, agreeable to the Articles of Confederation, all shall be put right: but however they were Informed that tho we wished not to have Connecticut out of resentment withhold what was right, yet they might Depend upon it, when all was done, she would do Justice to her self, as well as her Sister States & to raise no more of those sums than her proportion, with whom she was well able to Compare herself & Judge with Equity.

I have been here now near five months. I fear I have done you but little good. I expected to have had three del——s attending, which

might have given some relief, & to have returnd myself before the uncomfortable season for Travelling came on, but am prevented or must have left the State unrepresented, which I have never yet Ventured to do. When I arrived I found myself unacquainted with the Members composing Congress, or the Course of the business, as the progress of affairs for several months in a Variety of Instances stand somehow related & Connected, and I at present find a very considerable part of matters, plans & projections Interesting to the States, Inchoate, slow in progression, other occasional matters Intervening, unfavourable time or season delaying, yet forming & ripening towards Completion. When a change of Members, in many Instances of necessity, takes place and Months are required to Gain that acquaintance with Men and measures as are necessary for real service & benefit to the publick, tho ever so well disposed therefor, I wish the Gentn designated for the succeeding Year may be here in season to commence the year, as it is known my time is expired, and Mr Huntington thinks he must leave Congress before or at that time at farthest; I hope the State will not be left unrepresented, we have experienced the Inconvenience in many Instances, New Hampshire has not been represented this summer, Rhodisland but part, the Massachusetts are in danger of failing soon. The low state of our Finances, & the loss of publick Credit, are truly alarming, But the reducing Unnecessary expenditures, & Chearfull & Vigorous exertion in the payment of taxes, which are Necessary, Industry & frugality among the body of the Peoples, all founded and springing from a principle of Virtue and true patriotism, by the blessing of Heaven may soon relieve us.

Am, with the greatest Esteem & respect, Your Excells obedt, Hle
Srvt. Elipt Dyer.

RC (Ct: Trumbull Papers).

¹ For further information on Dyer's request for additional documentation on the Connecticut-Pennsylvania boundary dispute, see *Susquehannah Co. Papers*, 7:128n.5, 129n.7.

² For Morris' instructions on the settlement of the states' Continental accounts, and his expectation that Melancton Smith would soon be at work on those of Connecticut, see Morris, *Papers* (Ferguson), 6:334-35, 398-99, 672-73.

³ That is, Alleyne Fitzherbert.

⁴ That is, \$1.2 million, of which Connecticut's quota was \$133,200. Dyer moved in Congress to have \$33,200 "taken from the quota of Connecticut," but this and other similar state motions were defeated. *JCC*, 23:564-68.

⁵ Dyer's letter to Sherman has not been found. For Connecticut's quota of \$222,000 of "the last 2 million" adopted by Congress, see *JCC*, 23:660, 665-66.

John Hanson to Philip Thomas

Dear Doct.

Philadelphia Octo. 19th 1782

Your letter by Mr Gomber with the Cash I have received and I now

send you by his Waggon 2 pair Coarse blankets and one pair fine, which I hope will please and a peice of linnen, I am sorry the Tomb stone is not ready. I admire the judicious Choice of my Country men of Sheriff and delegates to the Assembly, but I expected to have Seen Colo. S. foremost on the list. It was a matter of *impertinance* and you Know he was allways as *Early in times in stepping forth in the Service of his Country as any man And therefore ought to have been fidelitated.*

Congress has lately received dispatches from their Minister at the Hague of the 18th August.¹ I am not at liberty to Communicate the Contents, but I may tell you that he has not mentioned any thing respecting the negociation for peace. A Mr. Allen Fitz-Herbert was Commissioned by the Court of London on the 14th July as their minister to negotiate a peace at Paris. He is Authorized to treat with His most Christian Majesty, the States General of the united Provinces, and with all princes and States jointly or separately whether it is their intention to include under the term States the united States of America is doubtful, however it Cant remain so long, as they must be under the necessity of being more Explicite whenever the negociation is entered upon.

Some time ago was published in a New York paper The Tryal of the Revd Bennet Allen for Killing Mr L[1]oyd Dulany in a Duel. The Jury brought him in Guilty of Manslaughter. He was fined one shilling and sentenced to Six months imprisonment. I dont recollect whether I ever mentioned this to you before. Allen had published something reflecting on the Dulany family without putting in his name to it. Loyd Dulany Called upon the author to make himself Known asserting at the same time that he was a liar and a Scoundrel—upon which Allen Sent him a Challenge, they met and at the first fire Mr Dulany fell.

We shall leave this place I think the 8th next month and may reach Baltimore about the 11th—my Calling at Annapolis will depend on Contingencies—have Sent you some news papers and pamphlets which may Amuse you. Our love to you and the Children and Compliments to all friends. I had like to have forgot, Mother Says the peice of linen will make three shirts a piece for the Children. Caty Sends (for the present) a pair of Gloves to her Sister and a pair for Johny.

1 pair Blanketts	6.10.0
2 pair Coarse ditto at £3	6.
1 PS linnen	<u>1.10.</u>
	14.0.0

RC (MdHi: Hanson Letters). In Hanson's hand, though not signed.

¹John Adams' August 18 letter to the secretary for foreign affairs is in PCC, item 84, 4:125–32; and Wharton, *Diplomatic Correspondence*, 5:665–67.

Rhode Island Delegates to William Greene

Sir, Philadelphia Octr. 19th. 1782.

Inclosed you will receive two Resolutions of Congress, for raising Monies from the States, And the proportions in which the same is assigned to each State, it appears thereby, that the proportion to our State is lessened as from a 37th to about 41 & 3/4—a greater diminution could not be obtained.¹

Your Excellency will find in the Resolutions of yesterday *a clause* which we thought it our duty to oppose, on the following grounds.²

Because, As by the Laws of the State the Collectors in the several Towns are vested with power, & it is their duty to collect *all Taxes* as well Continental as others, it would operate to prevent persons from Accepting that office; and thereby embarrass, and greatly affect the Internal police of the State.

Because it would in part supercede, in Office, one of the general Officers of the State, and essentially interfere with the duties of his Office.

Because, it would create a *New Officer* in the State, unknown in its Constitution, of foreign Appointment, Independent of the people, and over whose conduct, neither the Legislative, nor Executive Authority of the State would have any Controul.

Because it would, in its operation & tendency be repugnant to the Letter & Spirit of the Confederation—particularly the latter clause of the Eighth Article.

We submit the justice, force, and Propriety of these objections to the Wisdom of the Assembly—not doubting they will, on this and every similar occasion, pursue their public measures in such manner as shall effectually check the oblique & covert, as well as the direct and open approaches of Despotism.

The calls for money in the several departments are very pressing—and the public suffers greatly in its Interests, by the delinquencies of the States, in Taxation: but your Delegates, are happy, that the State they represent is amongst the foremost in exertions. This gives them a Confidence in their Applications and must add weight to every Argument adduced, in its favor.

Congress are not yet fully assured of the Loan now negotiating, mentioned in their Resolution of the 16th.³ Unless they should succeed to their wishes further requisitions for the ensuing year will be necessary.

With great Consideration & respect, we have the honor to be, Your Excellency's very humble Servants.

Jona Arnold

David Howell

N.B. Both Taxes, are apportioned upon the same principles.

P.S. The papers enclosed give all the News current in the City.

RC (R-Ar: Letters to Governors). Written by Arnold and signed by Arnold and Howell.

¹ The enclosures were undoubtedly resolves of October 18: (1) setting the states' quotas of the \$2 million requisitioned for 1783, and (2) requesting the states to require the payment of Continental taxes to Continental receivers appointed by the superintendent of finance. Rhode Island's 1783 quota of \$48,000 amounted to 1/41.75 of the total, whereas its quota for fiscal 1782 (\$216,684 of \$8 million) had been a 1/37. See *JCC*, 23:1090, 23:666, 669.

² Congress had called upon the states "to lay taxes for raising their quotas . . . separate from those laid for their own particular use," which were to be turned over by state collectors to Continental receivers. Arnold and Howell had attempted to delete the section pertaining to the Continental receivers, especially their authority "to recover monies" from the state collectors. See *JCC*, 23:668-69.

³ See *JCC*, 23:660.

David Howell to Nicholas Brown

Dear Sir,

Philada. 21 Octob 1782.

I spent last Evening at Capt. Anthonys in Company with Mr. Manning. I yesterday dined with the Minister of France & in my card of acceptance promised to bring with me Cozen James, but he was previously engaged to dine with Col. Biddle. I shall however take some opportunity to introduce him to the Minister. However you seemed to scruple my excuse of want of *leisure*, I have of late, and indeed the whole of my time since I have been in this City been as busy as ever I was in my life. I have written a quire & half of paper in two weeks, besides attending Congress every day—Saturday & Sundays Excepted.

By the enclosed paper you will see that the proceedings of our Commencement are noticed here.

On the representation of the Legislature of New Jersey you will see that Congress *secretly adhere to the 8th Art. Confederation* so far as it justifies *Continental appropriation* of money.¹ They as a body will *part with* no right, or privilege vested in them by the Confederation; but on the contrary recommend it to the States to *enlarge* them. I more & more admire the wisdom that framed the Confederation, that sacred Palladium of all our hopes. Long may it remain entire!

From your sincere friend,

David Howell.

P.S. Please to remember me kindly to all Friends. Perhaps it would not be amiss to comment to the people on the enclosed resolution—should you receive this before the Assembly rises.

RC (RPJCB: Brown Papers). Addressed: "Nicholas Brown Esquire, Merct., Providence."

¹ Howell was referring to Congress' rejection of a New Jersey petition to pay its troops directly and have that sum applied to its Continental tax quota. See Abraham Clark to John Mehelm, September 26, 1782, note.

Elias Boudinot to Lewis Pintard

Dear Sir,

Philadelphia Octr. 22d. 1782

Your Letter to Mr R. was safely delivered but Bills are plenty at 6/ Cash, so that it will not do to draw at present. As to Butter there can none be had here under 2/4 & 2/6. Flour (comon) is at 20/ but expected to fall as soon as the Mills can grind.

I am surprized at your supposing a doubt about my return this Fall, if my Health is spared. I am decided on my not attending in Congress this winter unless something very unexpected & extraordinary relating to Peace should turn up. If this should be the Case and I should be delayed in the Spring, you know I shall be in great want of a Gardner, especially as I expect to put the Garden at E Town in order, and therefore readily take you at your Word, and engage you as early in the Spring as possible, and hope you would not look out for Employ elsewhere.

Capt. Cunningham is not arrived, when he does, shall inform you.

We received advices from Mr Adams as late as the 18th Augt.¹ All I can say of the news, is that we have a Copy of a Commission from the Court of Brittain, appointing Allen Fitzherbert Esqr. Minister plenipo to repair to the Court of his good Brother the French King and there to meet the Commissarys, Comrs. or Plenipo's² of their high mightinesses the States General and of any other King, Power or *States* whosoever engaged in the present war and with them to agree &c on Terms of Peace. Mr. Fitzherbert arrived in Paris and opened the negotiation the 8th Augt. The English I believe have had a trimming in the East Indies and the Siege of Gibraltar is determined on in Earnest. The Combined Fleets have gone to Cadiz for that Purpose, but as they are but five or Six Ships superior to the English, I take it for granted that the Garrison will be relieved.

No Packett yet arrived at New York—very little News transpires at present from that City.

There will be no necessity for any order for the Hay, Mr Richey will deliver you what you want, only give him a rect for it that he may charge it to me.

I enclose the Paper of the Day. Mrs. Boudinot has a different one.³ Love to all your Fireside. I am my Dr. Sir, Your's most Afftly,
Bdt.

[P.S.] Mr. Morris says your Instructions &c &c are all ready.

RC (PHi: Boudinot Papers).

¹ John Adams' August 18 letter to Robert R. Livingston, enclosing a copy of Alleyne Fitzherbert's commission as British peace commissioner was read in Congress on October 17 and referred to committee. See David Howell to John Carter, October 16, 1782, note 2.

²A very free translation of "Commissarium, Procuratorum & Plenipotentiarium." See PCC, item 93, 2:183.

³This day Boudinot also wrote an affectionate letter to his wife, explaining the pleasure he received from her letters, his eagerness to return to their "beloved Cottage," and his attempts to purchase various household articles. Stimson-Boudinot Papers, NjP.

Daniel Carroll to Thomas Sim Lee

Dear Sr.,

Pha. Oct. 22d. 1782

I have receivd your favor by Post and shall attend to the contents. Expecting that you had wrote to the President about Ware, I have not calld on him since my return, but shall this day.

The Intendant gives me no hopes of receiving a Shilling from him for the last years Balla[nce]—which lays me under very great difficulties. I wish to Attend part of the next sessions. Even Supposing I shoud be continued in the Delegation to Congress—without some assistance I do not know how I shall move from hence.

The Delegates inclose the Commission from the British King to Mr Fitzherbert—please to let Mr Carroll have a copy; he will probably translate it. I must refer you to the papers for what intelligence there is.

Present me to yr. Lady—with great esteem & regard, I am Dr Sr,
Your Aff. & Ob. Ser. Danl Carroll

RC (MdHi: Lee, Horsey, and Carroll Papers deposit, 1988).

¹ See James Madison to Edmund Randolph, this date, note 1.

James Madison to Edmund Pendleton

Dear Sir

Philada. Ocr. 22d. 1782.

The address of your favor of the 14th instant to me ¹ coincides with the order which Mr. Jones & myself had settled. It would have been the more inconvenient too for him to have had his turn this week, as the dregs of his late indisposition are working themselves off to his no small disturbance. His lady seems now to be pretty well restored.

The Vessel, whose arrival at Boston was I suppose mentioned last week by Mr. Jones, brought Congress a letter from Mr. Adams dated Hague Aug. 18th. Inclosed in it was a copy of a Plenipotentiary Commission issued July 24 to Mr. Fitzherbert who succeeds Mr. Grenville. This Gentleman has been for some time the British Minister at Brussels, and possesses I understand no talents for the management of serious & intricate negociations. His commission like the late act of Parliament is a child of Shelburne's policy and will suit any events

which the war may produce. It authorizes him to Treat & conclude a peace at the Court of his M. C. Majesty with the Plenipotentiaries as well of the High & Mighty Lords the States General of the United Provinces, as *of whatsoever Princes and States it may concern*, and as well singly & separately, as collectively & conjointly. The States General had also appointed a Plenipotentiary who was to set out for Paris shortly after the date of Mr. Adam's letter. These are all the circumstances with which we are furnished relative to the business of a pacification. Unless Mr. Adams has written more fully by abortive conveyances it would seem as if the prospect was not very flattering to his expectations.

The States of Holland & West Friesland had determined on the commercial Treaty proposed to them and Mr. Adams expected to have a speedy conference with the States General in order to bring it to a conclusion.

Congress have reduced the estimate for the ensuing year to about 6 million of dollars; and the requisition on the States in the first instance to 2 million. A call for the residue is to be suspended untill the result of their application for loans shall be known.

We have as yet no account of the actual evacuation of Charlestown. From N. York we have no intelligence that deserves credit, of any sort.

There are European papers in Town which inform us that the Combined fleet is certainly gone to support the siege of Gibraltar, that the British had returned into Port, and that the Dutch was again in the Texel. The last it is said was according to the preconcerted arrangement to have proceeded North About, after disposing of its convoy for the Baltick, & have reinforced the Combined fleet, but was prevented by some accident, or more probably by the machinations of the Prince of Orange whose attachment to the enemies of the Republic renders all its decisive measures abortive. Mr. Adams says vigorous steps are likely to be pursued for circumscribing his power and bringing to light his abuse of it.

The death of the Marquis of Rockingham draws after it a very long train of changes in the British Administration. In addition to those some time since made known it appears that the Duke of Portland has abandoned the Ld. Lieutenancy of Ireland and is succeeded by Earl Temple. Mr. Wm. Pitt is made Chancellor & Under Treasurer of the Exchequer, Mr. T. Townsend a Secretary of State, Sr. George Yonge Secy. at War, and Col. Barre paymaster general. He is succeeded by Dundas Ld. Advocate of Scotland as paymaster to the Navy. It is also said that most of the members of the Board of Admiralty attached to the Rockingham system have retired.

I am Dr. Sir yrs affecly.

J. Madison Jr.

James Madison to Edmund Randolph

My dear Sir

Philada. Ocr. 22d. 1782.

By the vessel spoken of in my last Congress have recd. a letter from Mr. Adams dated Hague Aug. 18th which inclosed a copy of the Plenipotentiary commission issued to Mr. Fitzherbert the British Minister at Brussels. The following skeleton of the commission will give you an idea of its aspect towards America.¹ "Geo. tertius &c. omnibus &c. salutem. Cum belli incendio, jam nimis diu diversis orbis terrarum partibus flagrante, in id quam maxime, incumbamus, ut tranquillitas publica, tot litibus &c. rite compositis, reduci &c. possit—cumque eâ de causa, virum quendam tanto negotio pacem, ad bonum fratrem nostrum, Regem Chrismum. mittere decrevimus. Sciatis igitur quod nos fide &c. Allieni Fitzherbert &c. confisi, eundem &c. nominavimus &c. nostrum Plenipotentiarum &c. dantes &c. eidem omnem potestatem &c. necnon mandatum generale pariter ac speciale &c. in aulâ prædicti bon. frat. Reg. Chrismi. pro nobis et nostro nomine; una cum *Plenipotentariis, tam Celsorum et Præpotentium Dominorum, Ordinum Generalium Fœderati Belgii, quam quorumcunque Principum et Statuum quorum interesse poterit*, sufficiente auctoritate instructis, tam singulatim ac divisim quam aggregatim ac conjunctim, congregiendi &c. atque cum ipsis di pace, concordîâ &c. restituendis, tractandi &c. In quorum fidem &c. præsentibus &c. & in palitio nostro &c. 24 Jul. 1782.

The only further circumstance contained in his letter relative to the business of a pacification is the appointment of a Plenipo. by the States Genl. who was to set out for Paris in about three weeks after the date of the letter.²

The States of Holland & W. Friesland had determined upon the proposed Treaty of Commerce & Mr. A. expected to have a speedy conference with the States Genl. in order to bring it to a conclusion.

The same conveyance brought Congress a letter from Mr. Dana dated June 28.³ It consists almost entirely of a dissertation on the commercial advantage of the Revolution to Russia, which had in consequence of his management been ultimately placed in the hands he wished. As a sample of {his competency to the subject}⁴ I subjoin the following paragraph "Besides, how is Russia paid for her productions &c.? Is it not by an exchange in a very great proportion for foreign commodities? Are not many of these for. comties. of the peculiar production or manufacture of America, such as Rice, Indigo, {sugar, coffee, cocoanuts, pimento, cochineal} and all sorts of {dying woods}. Does it make no difference to the interests of Russia, whether she receives those articles directly from the countries which produce them, or in a circuitous voyage thro' G. B. &c."

As a sample of {his political talents} here is another paragraph: "Immediately after we had red. intelligence here of the late important change in the Councils & in the System of G.B. I consulted my corre-

spondent⁵ upon {the expediency of disclosing my public character} without further {delay to her Majestys principal minister}.⁶ He gave me his opinion freely & candidly. For your information I need only say that it is the same in every respect with his former one &c.⁷ I can not take {upon me to say} that {his opinion} is not {well founded}. My private sentiment {then was that that event} could not fail to occasion a {correspondent change in her Majestys system also} but I knew my means of information were not as good as those of my correspondent, and that tho' every one seemed to think the Mediation of her Majesty between G. B. and Holland in effect at an end, yet in form it was still kept up; so that the reasons {against} &c. might still be supposed to have some influence. This {determined me to conform to his advice}."

The Secy. at War lately communicated to Congress an extract of a letter from Genl Washington of a {very unwelcome tenor}. It {paints the discontents of the army in very unusual colours} and {surmises some dangerous eruption} unless {a payment can be effected within the present year}. The Secy. is gone to Head Quarters at the request of {the general}. How {far their joint precautions will calm the rising bills} must be {left to the result}.⁸

Congress have reduced the estimate for the ensuing year to 6,000,000 Drs. and the requisition on the States for the present to 1/3 of that sum. A call for the residue is suspended till the result of their application for loans shall be known.

The Combined fleet have certainly gone to support the siege of Gibraltar. The Dutch has returned to the Texel. According to the preconcerted plan it was to have proceeded North About after disposing of its Convoy and have reinforced the combined fleet. The disappointment is traced up to the machinations of the Prince of Orange whose attachment to the Enemies of the Republic seems to be fatal to all her exertions. For other particulars taken from foreign gazettes I refer to those herewith inclosed, and those inclosed to Mr. Ambler.⁹

Mr. Jones has not yet thoroughly recovered from his late indisposition. A partial relapse has detained him from Congress for several days. His lady is at present in a much better State. Col. Bland has also been on the list of Valetudinarians. He is at present out of Town, having made an excursion for the benefit of exercise & of country air.¹⁰

Yesterday's post brought me no letter from you.

RC (DLC: Madison Papers). In Madison's hand, though not signed. Madison, *Papers* (Hutchinson), 5:212-14.

¹ In their letter to Gov. Benjamin Harrison this day, the Virginia delegates sent a copy of the full text of Alleyne Fitzherbert's commission, which is in the Continental Congress Papers, Vi, together with Arthur Lee's translation of the Latin text into English. Additions to the "following skeleton" were printed by the editors of the Madison Papers in their footnotes to this letter, for which see *ibid.*, pp. 214-15.

² For the appointment of Gerard Brantsen as Dutch minister plenipotentiary to Paris, see *ibid.*, pp. 206-7, 208n.4.

³ Francis Dana's letter of June 28, 1782, which is in PCC, item 89, 2:624-31, and

Wharton, *Diplomatic Correspondence*, 5:528–32, was read in Congress on October 17 and assigned to a committee chaired by Madison.

⁴ Words printed in braces in this text were written by Madison in the official Virginia cipher.

⁵ That is, the French ambassador to the Russian court, Charles Olivier de Saint-Georges, marquis de Vêrac.

⁶ Probably Catherine II's imperial vice chancellor for foreign affairs, Ivan Andreievich, Count Osterman.

⁷ See Madison to Randolph, April 23, 1782, note 6.

⁸ The extract of Washington's October 2 letter to Benjamin Lincoln and Lincoln's October 14 letter to Congress are in PCC, item 149, 2:50–51, 53–56. Lincoln's letter was read in Congress on October 15 and all "except what relates to Asgil" referred to a committee consisting of Theodorick Bland, Daniel Carroll, and Samuel Osgood which reported the following day. That portion of the committee's report relating to officers' commissions "Passed," while the section concerning pay for the army was "negatived." Congress agreed instead to grant Lincoln a leave of absence to meet with the commander-in-chief in New York. See *JCC*, 23:657n.4, 658; PCC, item 21, fols. 301-2, item 27, fols. 195–96, item 186, fol. 62; and Washington, *Writings* (Fitzpatrick), 25:226–29.

⁹ Madison's letter to Jacquelin Ambler has not been found.

¹⁰ For Theodorick Bland's "excursion" to Bethlehem, Pa., see Bland to St. George Tucker, November 1, 1782, note 1.

North Carolina Delegates to Alexander Martin

Dear Sir,

Philadelphia 22d October 1782.

We have not failed to write you in the course of every week or ten days since we arrived here by such opportunities as presented themselves,¹ whether any new subject of Inteligence occured or not. Letters of intermediate dates containing matters of Inteligence only, are omitted in the Registration of the Delegates Correspondence. Probably some of our Letters have been miscarried and some of the[m] contain little else than conjectures respecting the designs or operations of the enemy. Of the different subjects on which we have taken the liberty to write, there are two or three to which we are desirous to draw your attention, these we shall endeavor to explain so fully that the present may serve instead of any or all the former Letters.

The great subject that has for some Months drawn the attention of Congress is the means of supporting Public Credit & raising a supply for the expences of the next Year and paying the Deficiencies of the present year. We have called the Subject of supply, a great one, because it is emphatically such with us, since we have little to fear from the military force of the enemy who are decidedly inferior in the field and must continue so while we can pay, feed and cloath our army, never was an army worse paid than they have been and are, to say nothing of their cloathes & rations. No Citizen of North America will be surprised at this assertion when he looks over the estimate for the expences of the Year and considers how small a portion of that sum we have actually paid or borrowed. Congress have agreed, for the next year, to attempt to borrow in France or Holland five Millions of

dollars. We expect to borrow at 5 per Cent per annum; The Brokerage and other expences will raise the Interest, for years, to near 6 per Cent. Some Gentlemen think that we should attempt to raise larger Taxes at home in order to be relieved from the expence of foreign interest. We admit that, for our parts, we have been decidedly in favor of borrowing. The peculiar quality of our Staple & the scarcity of money in North Carolina, we think, will Justify our Conduct. We contend that we are sufficiently rich to deserve credit tho we are at present enabled to pay Taxes; Because Tar, pitch, Turpentine, Lumber, Indian Corn and other the general Staple of N Carolina are too bulkey to bear exportation in time of war. In time of Peace, all those articles may be very acceptable to either of the Nations that may lend us money. We apprehend that in the time of Peace it would be more convenient for the Citizens of North Carolina in general to pay one Guinea than at present to pay one Dollar. We hope that our Constituents will at least approve the loan, knowing how difficult it would be for them to pay a Specie Tax of the twentieth part of their Quota for the annual expences of the War.

It is a fact, not to be dissembled, that the different States are not fully agreed as to the best & most eligible means of fundg. and paying off the annual supply. The smaller States and some of the larger ones are extremely desirous to do something with the backlands. Their eyes are so eagerly fixed on those forests that they seem to stumble over the more obvious & productive subjects of Revenue which are nearer at hand. To this hour the State of Rhode Island have not adopted the 5 Per Cent duty. They object, that such a Tax is not according to the Confederation, while they contend for a participation of the Western Lands which is contrary to the express Terms of confederation.

In our Public Letter No. 6 August 18th² we mentioned the Western Lands and expressed our opinion that these Lands might enable us to pay off a great part of the State debt or such debts as have been contracted for Militia service in the State. As no mention is made of the Western Lands in any of the requisitions that are now forwarded to the General Assembly, it becomes necessary that we should explain why we turned your attention to those lands. The subject of Revenue was at first submitted to a committee of 13, being a member from each State; after much deliberation and debate they reported 1st. that the Western Lands, if ceded to the United States might contribute towards a fund for paying the debts of these States. 2d. That it be recommended to the Several States to impose a Land Tax of one dollar on every hundred acres of Land. 3d. That they also impose a Poll Tax of half a Dollar on all male Slaves from 16 to 60 & all free men from 16 to 21 & a Dollar on all free men from 21 to 60 except those in the foederal army &c. 4. That an excise be laid on all distilled spiritous Liquors of 1/8 of a Dollar for every Gallon.³ We had not such high expectations as some

of the Committee concerning the productive value of the Western Lands nor did we think that the States at large had any claims on them. The land Tax of one Dollar per hundred acres was, in our view, insufferably unequal. The vast tracts of sandy barren Land in North Carolina can never be measured with the same scale as the uniformly fertile Lands in some of the Northern States. We shall make no remarks on the other articles. There was a clear majority of the Committee in favor of the report, on which occasion we wrote the Letter referred to. However when the report was taken up by Congress every part of it which respected the subjects of Taxation, was rejected. The Southern States on this occasion were more fortunate than in Committee, for three of the Minor States, having but one Delegate each in Congress, were entitled to no Vote when the report was brought forward; hence the question was lost by these who had been a majority; for the[y] could produce but 5 or 6 Votes at most. In the meanwhile it is our duty to tell you that the debate concerning back-Lands is only dismissed for the present; it will certainly be revived whenever the Northern and Minor States are better represented, and as those Lands are like to prove the subject of warm & obstinate Contention, it may be proper to consider whether there is any middle path by which the State may equally consult its honor, its Interest and the public peace. It is expressly provided by the 8th Article of confederation, which is our *Magna Charta*, that in paying the expences of the present war the quota of each State shall be fixed according to the Value of all Lands in the Several States "granted to, or surveyed for any Person together with the buildings or improvements thereon" to be estimated from time to time as Congress shall direct.⁴ The enemy being in the Country is the reason given why this mode of fixing the quota has hitherto been neglected. For our parts we are determined to endeavor by every possible means to put this mode of fixing the Quota in a Train of Execution. Our State cannot in prudence desert that measure. It is more favorable for us than for most other States in the Union. Other States must pay for their large Towns & lands highly cultivated, while we have few Towns & much wood land. But this mode when the western Lands are included, appears to be less favorable. It is very certain that should we keep those lands, should we open the land office & sell them out, the clear Revenue arising from the sale would be very small; they would bring little money into the Treasury; but they would render our Quota of the national Debt near double of what it is at present. For in fixing the quota, every State must be charged with its located Lands, and as Land Jobbers are not a very popular set of Men in any Country, and as the Land are Probably to be valued by indifferent People, we may be assured that the western Lands which are located but not improved will be rated at their full value; and we suspect that our western Lands, on this Side of the Ohio, are nearly double of those Lands already located in the State.

Connecticut, which has a very extraordinary claim to some western Lands, also New York & Virginia have made Cessions to the United States of part of their claims, but they have not yet ceded all that is required, nor are the Terms, especially those of Virginia acceptable to Congress. If North Carolina should be induced to give up any part of her western Territory, we presume she will presume at least require the following preliminaries. 1st. That the whole expence of our Indian expeditions shall pass to acct. in our quota of the Continental expences. 2d. That an actual valuation shall be made of all lands & their improvements claimed by any State before the Cessions shall be confirmed. 3d. That the sundry accounts of every state shall be liquidated & its claims fully established, that so their several Quota's may be fixed of the debt already contracted or to be contracted. 4th. That the Lands thus ceded shall be Disposed of to the best advantage by the consent of at least nine States for payment of Public Debts. 5. That if any separte State should ever be erected on any of those lands, part of the Public Debt shall be transfered to such State according to the value of the land it contains.

It may be infered from these hints that we suspect that some of the States may prove an overmatch for ours in the art of rendering accounts. Craft is on some occasions an over match for honesty; & we confess that when we observe the studied caution with which some of the States seem to elude any attempts to fix a foederal quota; when we observe the manner in which some of them have laid Continental money and are now claiming to pay it in at 40 for one, as part of their quota; and when we attend to the Steps that have been attempted, of less consequence, but in the same spirit, we are induced to think that caution is necessary; and our State will certainly require that other People should be honest if they are generous. In a word as it is certain that the subject of vacant Lands will be resumed by Congress and it is more than probable that our State with some others, will be required to make cessions of part of its vacant territory, we have thought it our duty to mention the progress of the debate and to propose such considerations as seem to merit any attention on the adverse side of the question. We shall ever maintain the indisputable claim of our State to those Lands, against any pretensions or claims whatever; but if the state from motives of Peace or profit should be disposed to relinquish any part of her claims, it will not be infered that our opposition had been groundless.

On the General subject of supplies we need hardly inform you that our Army is extremely clamorous; we cannot pay them, we can hardly feed them. There is no money in the Treasury and we are obliged to draw upon the foreign Loans before they are perfected. We know that our State will not be able to raise the quota that is assigned to her for the year 1783, but we are confident she will do all in her power. We have attempted to fix her quota as low as possible & from a Paper we

have sent, you will perceive that we have deducted some thing from the Quota of last Year, though our Circumstances are now more favorable.⁵

You will observe that a monthly acct. is published of the Taxes collected & paid in by the different States. Lest from the silence of the Newspapers on that subject it should be conjectured that North Carolina had done nothing towards the Public service, we caused a short account to be published of what was done by our assembly for the current year.⁶ The number of Troops raised & cloathed, the public wagons, the provisions Tax & the Tax for a public revenue all which we attempted to place in the most favorable point of light. As it is obvious that his most Christian Majesty, our steady ally, was desirous to know in what manner the United States were impressed by the Birth of a Dauphin we conceived it our duty to address the Minister of France of that occasion. We had the satisfaction to find that the Public seemed to approve and the Minister to be much pleased with our apology in behalf of the State. We hope that our Conduct will meet with the approbation of our Constituents.

We shall not trouble you with a general detail of foreign events, some of them however deserve your notice. Ever since the Seven United Provinces of the Netherlands acknowledged our Independence, a Treaty of amity and Commerce has been in a train of negotiation; we presume that it is sign'd before this time. The King of Sweden has proposed to one of our foreign Ministers to enter into a Treaty of Amity and commerce with the United States, & we have given the necessary Instructions & powers on that subject.

The enemy are extremely desirous to get their Soldiers who are Prisoners out of our hands, but they do not offer a quid pro quo. Congress have determined not to make any exchange til the Commissioners who shall be sent to negotiate a general Cartel shall produce Powers expressly derived from the King of Great Britain, and shall have paid or secured payment for a large Balance due the United States for the sustenance of Prisoners. Attempts have been made in the mean while to secure a partial exchange. Congress have been Zealously pressed to confirm the exchange of Lord Cornwallis for Mr. Laurens. This proposition is the more extraordinary as the enemy at first pretended to liberate Mr Laurens unconditionally. The finess was certainly curious & original. However Congress have not adopted the example in giving up Ld. Cornwallis unconditionally. Such an officer is rated at 1,200 men, which is too large a gift to be made to a nation that never wishes to give us any thing except hard measures. The southern States who are best acquainted with his Lordships good Qualifications are determined, if possible, that he shall be indulged a few Months longer in the repose of his Native Country, unless he would chuse to be paroled in South Carolina. We confess that in this debate we have thought it our particular duty to give Lord Cornwallis credit for the numberless murders he has committed in the Carolinas & Georgia.

Negotiations in Paris for peace move on with such a steady pace that they are hardly progressive. Mr. Allin Fitzherbert, the British Minister at Brussels, is appointed to negotiate at Paris in the room of Mr. Grenville, who we apprehend was only removed that he might be secretary to his Brother, Earl Temple, who succeeds the Duke of Portland in the Lieutenancy of Ireland. Mr. Fitzherberts Commission empowers him to treat of joint or seperate Peace with any of the nations who are at war, But though France &ca are named, America is not mentioned in the Commission.

The Dutch have also sent two Commissioners to Paris who might arrive there on the 6 or 8th of September. We have good reason to say they are instructed not to treat of a Seperate Peace. The pending fate of Gibraltar must have an Serious effect on the Treaty of Peace to forward or retard it. We have many reasons to be assured that the present British Ministry have imbibed the spirit of their King. They have a vindictive hostile disposition towards America, & would gladly embrace any encouragement to repeat their attempts at Conquest.

We have the honor to be &ca,

Hu Williamson

Wm Blount

Tr (Nc-Ar: Governors' Letterbooks).

¹ The most recent North Carolina delegate letter that has been found is dated September 11, 1782.

² The August 18 North Carolina delegate letter printed above is not the one referred to here.

³ See *JCC*, 23:545.

⁴ See *JCC*, 19:217.

⁵ The congressional resolution of October 18 setting the state quotas for 1783 assigned North Carolina a quota of \$148,000 (of \$2 million), or a 7.4% share compared to the 7.8% share (\$622,677 of \$8 million) requisitioned for 1782. Cf. *JCC*, 21:1090, 23:666.

⁶ See North Carolina Delegates to Martin, August 3, 1782, note.

Virginia Delegates to Benjamin Harrison

Sir

Philada. Ocr. 22d. 1782

Your Excellency's favor of the 12th instant ¹ came duly to hand yesterday.

A Vessel lately arrived at Boston brought Congress a letter from Mr. Adams dated Hague Aug. 18th. 1782. The paper No. 1 herewith inclosed is a copy of the Plenipotentiary Commission lately issued by the British King to Mr. Fitzherbert, which came inclosed in it.² All the other information of Mr. Adams relative to the progress of negotiations for peace consists in the appointment of a Minister Plenipot. by the States General who was to set out for Paris shortly after the date of his letter.

The papers No. 2 & 3 contain sundry Resolutions of Congress which explain themselves.³

No. 4 is a Memorial from Simon Nathan.⁴ The Executive office will supply all the necessary information touching the subject of it, and will enable your Excellency & the Council to decide on the answer which Justice & the honor of the State may dictate. We only beg that it may be transmitted to us as early as convenient.

We have the honor to be with the highest esteem Yr. obt. & humble svts.

Jos. Jones

J. Madison Jr.

RC (Vi: Continental Congress Papers). Written by Madison and signed by Madison and Jones. Madison, *Papers* (Hutchinson), 5:207–8.

¹ Not found.

² See Madison to Edmund Randolph, this date, note 1.

³ Not found, but perhaps the resolutions of October 16 and 18, setting the total requisition and the states' quotas for 1783, which Robert Morris sent to Harrison on the 23rd. See *JCC*, 23:658–60, 665–69; and Morris, *Papers* (Ferguson), 6:648–49.

⁴ For Nathan's October 17 memorial to the Virginia delegates and the state's response to his claims, see Madison, *Papers* (Hutchinson), 5:202–3, 228–30.

Elias Boudinot to William Livingston

Dear Sir

Philadelphia Octr. 23d 1782

I have long been of opinion that in all great Questions, which are agitated in Congress, especially relating to domestic Concerns, the Delegates from each State should consult their respective Constituents, when it may easily be done, at least as to general Principles. The Legislature being now met, I must beg leave, through your Excellency, to state to them the leading Facts of a very important and interesting Question now under the Consideration of Congress, and which is set down for determination on Wednesday next; on which I hope for the Legislatures Instructions; on such general Principles as will necessarily lead to the final determination. The dispute I refer to, is that of the People on the New Hampshire Grants, calling themselves the State of Vermont. When I took my Seat in Congress, I found this Controversy on the Table of Congress, having been submitted to their determination previous to the Confederation, by the States of New Hampshire & New York, and the People stiling themselves as the State of Vermont, on the principles of the Confederation then in an incomplete, unfinished State. A Hearing was thereupon had before Congress, when the States of New Hampshire & New York produced many Documents in support of their different Claims (Massachusetts one of the claiming States, not attending but agreeing to relinquish their Right, provided the districk was made an independant State) the first founded on this Territory being within their Purchase under the Plymouth Company, & long possessed by them—the second adding to a continual Claim the determination of the King in Council in the

Year 1764 in their Favour founded on the Patent to the Duke of York. The People of Vermont urged their having been several Years independant de Facto and in the exercise of sovereign Power protested agt. any Power in the world interfering with it and insisted that their Boundaries only were submitted to the determination of Congress. Thus the Business stood undetermined, when we were informed that Vermont had extended her Claim & Jurisdiction Eastward into New Hampshire, where 51 Towns had voluntarily submitted to her Authority; and to the westward, she extended quite to the North River—That the People were defending themselves agt. the States of New Hampshire & New York by Force of Arms. Soon after, we recd. authentic Intelligence that some leading People in Vermont, had met Commissioners from General Haldiman, with whom Terms had been agreed on, for a Submission to Great Britain—That these Terms had been sent to the Commissioners for Peace &c at New York for their Ratification, and by them to England for Instructions—That General Clinton laid great Stress, on this Measure, and had expressed Hopes thereby to conquer the Northern States.

The peculiar Circumstances of this People and the danger of a civil War among ourselves, at a Time when we found difficulty enough, in carrying on the war agt. the Common Enemy; led Congress to leave the Ground on which the dispute, as submitted to them, then stood; and considering themselves the Guardians of the general Interests of the united States, and in duty bound to prevent every Injury to the union and particularly such as threatned their Existence as a Nation, took the matter up, in a general & extensive View & with the Consent of Nine States, passed the Resolutions of the 7th & 20th of August 1781. The People of Vermont were then met in general Assembly, including representatives from the Eastern & Western Incroachments. These together imprudently rejected the Terms proposed by Congress in those resolutions. But soon after, before any farther Steps taken by Congress, their Assembly again met, and by a public Act, relinquished & disclaimed those Incroachments, thereby complying with the Terms proposed and immediately forwarded delegates to Congress.

A Committee was accordingly appointed to Confer with these Delegates or Commissioners, who reported to Congress, as appears by the Journals; but no determination on this report could be obtained, it being alledged that Congress was not bound by the sd resolutions of August, and New York solemnly protested agt the Power of Congress to determine otherwise than agreeable to & under the Submission, which also appears on the Journals. Your Excellency will see the reports & Acts of Congress on the printed Journals, I left with the House last Fall. The great Questions necessary for the Consideration of Congress, I concieve will be

1st. On the Submission of the sd. States, ought Congress to deter-

mine, any part of a former Colony (who have separated from the same, at the begining of the revolution, and are in the actual Exercise of an independant Sovereignty *de facto*) to be independant *de Jure* and receive them into the union as a fourteenth State?

2d. Can Congress as sovereign Guardians of the United States, when they conceive the general Safety of the common Cause shall require it, recieve into the Union as a separate State, any Territory & People in the actual Possession of Sovereignty & Independance *de facto*, without examining into & determining the Right & Title of such People *de Jure*?

3d. In the present State & Circumstances of the People styling themselves the State of Vermont, ought Congress to recieve them into the Union, as an independant State agreeable to the resolves of 7th & 20th Augt 1781?

4th. In Case Congress shall refuse to recieve them (as is most likely) ought the Delegates of New Jersey to agree to the sending the Continental Army or a sufficient part thereof, in the sd. Territory, to subdue the Inhabitants to the obedience & Subjection of the State or States that claim their Allegiance?

In the past Altercations on these Subjects, your Delegates have generally considered the Congress as sovereign Guardians of the whole Union, and that they ought to prefer the general Good, to every private Interest of a particular State.

That the shedding the Blood of our Citizens, and all civil war among ourselves, at so critical a period, should be strenuously avoided. That a sovereignty & Independance *de facto*, was a sufficient reason under these Circumstances for Congress to admit into the Union, without examining into the Right *de Jure*, agreeable to the strong reasoning of his most Christian Majesty, in his Answer to the Justificative Memorial of the King of Great Britain, sent herewith.

If your delegates have acted contrary to the Opinion of their Constituents, they wish to be set right, while it is in their Power to prevent any evill Consequences arising from it. We have reason to believe, that the Matter will certainly be brought on, on Wednesday next.

I have two Reasons for pressing the Sentiments of the Legislature on this Subject. 1st. It has been asserted, that we have been acting contrary to the Opinion of our State. 2dly. I claim 1000 acres of Land in this Territory under the Titles of New Hampshire & New York both, and altho I consider them as of but very trifling Value, yet it may hereafter be objected, that I was influenced by considerations, which I hope ever to despise.

Your Excellency by laying this Letter before the Legislature, and communicating their Sentiments will much oblige me.¹

I have also another Matter relative to the Interest of the State, to lay before the Legislature, that I think worthy their Notice. The united States are looking forward to the calling in the Quota's of the States,

of the Continental money. An Alarm has gone forth, that the State of Massachusetts has in their Treasury so large a Portion of this Paper, that some of the defeciency States will be obliged to purchase of her at a high rate. I have lately discovered that Connecticut has sent an Express Messenger to Virginia & purchased a Sum equal to her deficiency, at a very low Rate indeed. If our State has not made up her Quota, it would certainly be a prudent Step to appoint some Person to purchase the Sum wanting with out delay. It can be now had in Virginia, at 5 or 600 for one. It is my Duty to make this Communication, the Legislature will make such use of it, as they may think convenient.

I have the Honor to be with great respect & Esteem, Your Excellency's Most Obedt. Hble Servt,
Elias Boudinot

[P.S.] This Letter was to go by Mr. Condit, but he left Town without acquainting me with it.²

RC (NjP: Boudinot Papers).

¹ In response to Boudinot's letter, the New Jersey legislature instructed its congressional delegates to support independence for Vermont provided the state's officials complied with the conditions set forth by Congress on August 7 and 20, 1781. Journal of the Legislative Council of New Jersey, October 28–30, November 1, 1782, pp. 7–11. DLC(ESR).

² Boudinot subsequently enclosed this letter with his October 24 letter to John Covenhoven.

James Duane to George Clinton

Dear Sir,

Philada. 23d Octob'r 1782.

I am apprehensive your Excellency's Patience has suffered a severe Trial by our Silence on the Subject of the Grants. Nothing is done of moment to this Hour, but I must admit that the prospect seems fair for a Decision favorable to our Wishes. There is however always something in our Way. . . .

P. S. Mr. L'hommedieu makes up the news papers for your Excellency; and will send you Copy of a late Resolution of Congress which touches the Grants in a tender point. . . .

P S I wrote the preceeding before I went to Congress; while on the Floor we were honord with your Excellency's dispatches of the 14 and 15 Instant by Mr. Osburn and the several Enclosures were communicated without Loss of time to Congress.¹ They came seasonably and will be of use. . . .

Reprinted from Burnett, *Letters*, 6:521, from a document located in the New York State Library before the Albany fire of 1911.

¹ For the October 14 and 15 depositions of William Shattuck and Henry Evans concerning Shattuck's seizure by Vermont officials, which Clinton had enclosed with these

letters and were referred this day to the committee on Governor Clinton's letter of September 16, see PCC, item 40, 2:335–38, item 186, fol. 63.

John Taylor Gilman to Josiah Bartlett

Sir, (Private) Philada. Octr. 23d. 1782.

I have received yours of the 5th Instt. you ask my Sentiments respecting a Settlement with the officers for rations &c. I have received a Letter from Lieut. Blanchard in which he informs me that he does not doubt but the wishes of the Officers in that matter will be Complied with, and Requesting me to Transmit him some Resolutions of Congress which I Shall do if there are Such.

My Letters to the Honble. the President, which I had reference to in my Letter to you of the 17th Ultio. were of July 17th and Augst. 5th, which by his Letters I am Informed he received, and as Lt. Blanchard writes me that the State have Concluded to finish those Settlements, it is unnecessary for me to Say any thing further on that Subject, Indeed I then wrote my Sentiments fully.

As to Rations I don't know of any Resolutions by which the matter is Submitted to the Several States for Settlement. It is my Opinion that the State ought not to make any Settlement, or pay any Monies to be Charged the United States, without seeing Resolutions of Congress authorizing them so to do, unless in Cases of Necessity.

It is an Opinion which Many Persons have, that the accounts between the Several States never will be adjusted. I have lately heard some Members of Congress give their Sentiments fully to that purpose, and it is my Opinion that the Conduct of some of the States are much Influenced by those Ideas. That it will be much for the Interest of some States, not to have a Settlement made is Obvious; and with such Ideas, should a Settlement at some very distant period, take place, will it not be very difficult to obtain allowance for Charges which are not Authorized by Congress? I am an advocate for the Accounts being Settled between the Several States, (not on the principle that very great advantage would Accrue to the State of N.H. in particular from Such Settlement, as I know the Opinion of some is, but because) Common Justice Demands it and I think the public safety will require it, but if such settlement was to take place to-morrow why Should NH take on herself more of the Debt than is required by Resolutions of Congress. I wish both the Soldiers & Citizens belonging to N.H. and to whom the United States are Indebted, to be provided for, but (when the Necessity of the Case does not require the Contrary) Resolutions authorizing payment should be first had. Notwithstanding the Complaints which have been made by some of the N.H. Officers, It is my Opinion that no State in the Union has made Settlements, with their Troops on more Liberal principles than N.H. has, and that



John Taylor Gilman

their is but few, if any, of the States whose public Securities are of more Value than those of N.H. were when I left there, and I presume the Liquidating Act has been pursued, which I think is so well Calculated as to Increase their Value.¹ Perhaps it may be worth while to look into the Resolutions of Congress of Feby 29th, April 10th, Augst. 8th & 12th 1780 respecting Depreciation &c.

The Subject of Continental Currency has been taken up, but no Conclusion made. Is it not very Extraordinary that States who have it not, say to those who have more than their proportion; you grasped after it, you had no right to Collect more than was *required of you by the Resolutions of Congress*. In that Case their would have been Enough left for us to Collect, it had a Currency with us at the rate of 1,000 for One, you have Collected it, you must make the most of it, take little or nothing for it &c. &c. &c.²

I will Just ask your Attention to some sentences in the Financiers Letter of July 29th.³ It is (as Congress have it) in the 3d Page of the 4th Sheet, and on the Subject of Borrowing Money from the Dutch, I think the Sentiments there may Serve to Corroborate some of my Ideas in this Letter.

I do Assure you Sir that the Subject of this Letter gives me pain. I Should have been much better pleased to have made the Representation Verbally, but as I am favoured with an Oppty. to Send it by a private Conveyance to Boston hope it will go Safe—on the one hand these are Subjects which persons in my Situation should Handle with Caution, and on the other I think it my Duty while in public service to give such Information as may prevent the State from being too much Injured. I have marked this as private, [. . .] to be as much so as is Consistent with the good of the [State] at any rate it will be Safe with you, and wo[u]ld have] you make Such Use of it as you think proper.

I have not a Single Article of News to give you, I would answer your Letter more fully, but the Gentleman by whom this goes to Boston is Just going.

I am with much Esteem, Your Obedt Servt,

John Taylor Gilman⁴

RC (NhD: Bartlett Papers).

¹ New Hampshire's "Liquidating Act," which provided for the redemption of the state's securities according to a scale of depreciation set by law, had been adopted on January 16, 1782, upon the recommendation of a committee chaired by Bartlett. See *N.H. State Papers*, 8:925–26, 930.

² See Samuel Osgood to John Lowell, September 19, note 10; Elias Boudinot to William Livingston, this date; and North Carolina Delegates to Alexander Martin, October 25, 1782.

³ That is, Robert Morris' lengthy report on the public credit and major recommendations on fiscal estimates for 1783, for which see Morris, *Papers* (Ferguson), 6:60–61, 83n.93.

⁴ Gilman also wrote the following brief letter to Pres. Meshech Weare, this day.

"This is Just to Inclose Two Letters & a Paper. I have not a Single Article of News to

give you, though I fully Intended to have wrote you a Letter this day but am Unexpect-
edly called on by the Gentleman who Carries this to Boston who is now waitig for me.
You will see my Letter to Collo. Bartlett, & hope your goodness will Excuse this from
him who has the Honor to be your Obedt. Servt." Weare Papers, MHi.

David Howell to Silas Talbot

Dear Sir.

Philadelphia 23 Octob 1782.

Agreeably to your request I have enclosed your Letter to Genl. Sullivan—He not being in Congress.

The enclosed resolve was passed with great unanimity after your Memorial was read & enforced as far as I thought necessary.¹ Congress seemed pleased with an opportunity of giving you an additional Testimony of the very high Sense they entertain of your Singular merit.

I have shewed the resolve at the Auditors office he being out of Town. I was told that all obstruction being now removed, your accounts would be settled as Lieut. Colonel with all possible expedition.

As soon as your business shall be closed you shall be advised thereof & your papers returned.

With great esteeme, I am, dear Sir, your Friend, David Howell.

RC (CtMyMHi: Talbot Papers). Addressed: "Lieut. Col. Silas Talbot, Providence."

¹ Howell enclosed an October 22 resolution instructing Robert Morris to settle Talbot's accounts as a lieutenant colonel in the Continental Army "notwithstanding the resolution of Congress of the 17th of September, 1779, appointing him a captain in the navy." *JCC*, 23:681. See also Howell to Talbot, July 17, 1782, note.

Ralph Izard to John Lowell

Dear Sir

Philadelphia 23d Octr. 1782.

I received by Mr. Tracey the Letter you were so good as to write me, and am much obliged to you for the trouble you have taken about the publication. The matter seems to have subsided, & therefore it will be unnecessary to trouble either you, or myself any more about it. I am not however, insensible of the unjustifiable liberty taken by the Gentleman you mention.¹ He seems, by his indiscretion, to have brought himself into trouble: & certainly the best thing he can do, both for his own sake, & that of his friends, will be to withdraw himself, as soon as possible, from the attention of the Public. The last European Letters we have are from Amsterdam of 23d August.² Mr. Grenville had returned to London, and Mr. Fitzherbert, the British Minister at Brussels, had taken his place as Plenipotentiary at Paris. This I believe is intended to feel the pulse of the Cabinet of Versailles: I do not think

that the King of England is yet seriously disposed to make Peace on those terms, which alone can be accepted by this Country.

The combined Fleet are said to be gone to Cadiz. Lord Howe will probably attempt the relief of Gibraltar. His numbers are inferior to those of the Allies. But the latter consist chiefly of Spaniards, & therefore I feel a want of confidence in them. Besides they are commanded by Don Louis Cordova, a Spanish Admiral, who is not in general esteemed quite as good an Officer as his Opponent. We flatter ourselves that in the course of a fortnight we shall receive accounts of the evacuation of Charles Town, as we have had repeated intelligence from New York that a considerable number of Transports are gone thither for the purpose of bringing off the Garrison. It is high time that our unhappy Country should be relieved from her distresses. Your State at present is very respectably represented. But I am very sorry to find that Mr. Jackson purposes to set out soon for Boston; & the more so, as I can not learn that there are any hopes of our seeing you here this Winter. It certainly is of considerable importance that your State should be kept properly, & constantly represented; & I wish it were convenient for Mr. Jackson to stay until the arrival of his Successor. Pray present my best regards & Compt. to Mr. Adams; & I beg that you will be assured that I am with very great regard Dr. Sr. Your most obt., humble Servant,

Ra. Izard.

RC (ScU: Ralph Izard Papers).

¹ Not identified.

² Not identified.

Ezra L'Hommedieu to George Clinton

S'r, Philadelphia Oct. 23, 1782.

The Copy of a Report of a Committee which I had the Honour of transmitting to your Excellency by the last Post, has since that Time been often taken up—Substitutes proposed, amendments made etc. but yesterday the same was agreed to as amended agreeable to the inclosed Copy.¹ The Resolution in the said Report recommending Peace and Hoarmony in that District, being a Milk and Water Peace of Business, is committed to a New Committee. A Question will now be put on the Report of the 17th of April last: The Necessity of gitting clear of that Report is urged, and that a Determination on the same will deside the great Question respecting the Jurisdiction of the Grants. I fear it will only create delay, and altho there is no probability of more than four States to the Report of the 17th, it is to be feared that the Votes of seven States cannot be obtained at present to declare in so many Words, that Vermont shall not be received in to the Federal Union, or be suffered to become an Independent State. I have

thought the present Time very favorable for a Determination against their pretended Claims, but some Circumstances which would be imprudent to mention in a Letter by a Post Conveyance, makes me doubt of the success. I hope I may be mistaken. next week I think will determine what we may expect from Congress on this Subject.² . . .

P. S. Your Excellencys official Letter with the Inclosures since writing the above, have been received by us in Congress.³ The Papers are just now read and committed to the Committee I mentioned before. I hope they will have a good Effect in shewing the Necessity of a speedy decision of the Controversy. . . .

Reprinted from Burnett, *Letters*, 6:521–22, from a document located in the New York State Library before the Albany fire of 1911.

¹ The enclosed amended report, which Burnett indicated was in the Clinton Papers, N, before 1911, “is printed (with emendations) in the *Journals*, under Oct. 17.” See *ibid.*, p. 522n; and *JCC*, 23:663–64.

² See L’Hommedieu to Clinton, November 6, 13 and 18, 1782.

³ See James Duane to Clinton, this date, note.

Samuel Osgood to John Hancock

Philadelphia Octr. 23d 1782

I have the Honor to enclose your [Excellency] the Copy of a Commission given by his bri[tannic] Majesty to Mr. Fitzherbert for the Purpose [of] negotiating a Peace.¹

I have also enclosed Extracts of Gen[eral] Washington’s & Genl. Carlton’s Letters by which it seems to appear that the latter ai[ms] at opening a Door for a seperate Peace.²

Congress have not tho’t fit to order a Publication of the Letters but there can be no Reason why the several States should not be furnished with these Extracts particularly the supreme Executives. The enclosed Commission was recd. from Mr. Adams in a Letter of the 18th of August in which he makes this Observation. “The Words *quorumcunque Statuum quorum interesse poterit* include the United States according to them, but not according to the King who uses them; so that there is still Room to evade. How much nobler, & more politic was Mr. Fox’s Idea to insert the ‘Ministers of the united States of America’ expressly.”

He farther observes “that the States & Regencies are taking such Measures with the Stadtholder by demanding his Orders [. . .]³ by reassuming their own constitutional Rights in the Appointment of Officers &ca, [as] will bring all Things to Rights in this Republic, which we shall find an affectionate & an useful Friend.”

With Sentiments of the highest Respect, I have the Honor to be,
Your Excellency’s most obedient & most humble Servant,

Samuel Osgood

RC (M–Ar: Revolutionary War Letters).

¹ See James Madison to Edmund Randolph, October 22, 1782, note 1. A complete text of Fitzherbert's commission, with an English translation, is in the Revolutionary War Letters, 204:281–86, M–Ar.

² See James Madison to Edmund Pendleton, October 15, 1782, note 1.

³ Although only one word appears to be obliterated, Osgood apparently dropped an entire line from Adams' letter at this point, which reads: "... and correspondence about naval affairs, and by reassuming their own constitutional rights in the appointment of officers, &c. . . ." Wharton, *Diplomatic Correspondence*, 5:665.

Samuel Osgood to John Lowell

Philadelphia Octor. 23d. 1782

I had the Pleasure of recg. your Favor of the 10th Inst. by the Post. I am very happy to learn that you have recd a long Letter by the Post.¹ I was a little concerned lest it should miscarry. My other Letter by Colo. Ward I did not expect would be made public²—however I perfectly confide in your Discretion. It would mortify me very much indeed if the Army should ever be impress'd with an Idea that I am not their sincere Friend. If I know my own Heart—I am their zealous Friend upon Principle.

I find by your Observation wherein you say you differ from me very much in Opinion as to our not having fully complied with all the Requisitions of Congress for old continental Money—that I either did not convey my own Ideas on the Subject or that you did not fully take them. The Opinion I meant to convey, was, that Massts. had not fully complied with all those Requisitions.³ I still adhere to this Opinion—at the same Time I am in your Sentiments that in a comparative View with the other States we have paid much more than our Proportion upon those Requisitions tho' we have not fully complied with them. My Inference, to be of Service to the State, from this, is that the Ballance due from our State upon those Requisitions should now be discharged in old Money. I have supposed that there might be a Ballance due of four or five Millions of Dollars—if this is the Case are not those Requisitions against you—can you not provide to discharge the Ballance? What will be the Inconvenience? Massts. has paid already more than her Proportion. But we hope for a liquidation & Adjustment of Accounts & that those States which have paid less will be charged with their Deficiencies. But it is not probable that this will be effected very speedily. You have a great Plenty of old Money & you know not what to do with it. I have suggested the Idea. If you pay the Ballance—you pay more than your Proportion, if you dont pay it—you have the Money & what will you do with it. If you wait for Congress to move in this Matter you must prepare to exercise a Great Deal of Patience as you have already done.

We have nothing of Importance to communicate to you. The New York Delegates attack Congress very warmly for a Decision upon Ver-

mont. We have assigned Wednesday next to take up a Report thereon. When I expect a very warm Debate—several new Faces alter the House against Vermont—But I think we shall not do any Thing about it yet. We cannot obtain a Vote for their Independence. And I am sure no Vote will be obtained to subject them to New York.

My Brother Jackson says he will not come into Congress after this Week. Must I be left alone? I have a great Inclination to transgress also. However Patience is a Virtue & mine is not yet so far exhausted as some other Matters are—*primum Omnium Querenda est Pecunia!*⁴ I could preach much upon this Text but I am afraid I should not have even one dearly beloved Roger to hear me.

Be pleased to accept of my warmest Wishes for the Continuance of your Health.

With great Esteem I am, Dear Sir, Your most humble Servant,
Samuel Osgood

[P.S.] Mr. Wharton, I ought to have put the President first—each of them desire me to communicate to you their particular Regards. Genl. Cornell has been long in Camp—before he left Congress to countermine the Works of his Colleague he obtained a Certificate from the Delegates of Maryland that he was against half Pay—unfortunately, after he arrived in Camp, he dropt it out of his Pocket. The Army catch'd fire at it. But I have since heard that he is in a fair Way to quench its Fury. His Office is Intendant of Contracts.

I recd. a Letter from Mr. Sullivan this Week & have sent an Answer by this Post.⁵ I would have enclosed it to you if I could have well done it—he requested Information respecting Mr. F. & the Motives Congress had &ca. I mention this because I don't know what you may have said on the Subject nor how far my Sentiments will accord with yours. I shew the Answer to Mr. Jackson & I beleive he was not dissatisfied with it. I expect he will be in Boston nearly as soon as this Letter & will be able to inform you of it's General Tenor.

RC (DLC: Osgood Papers).

¹ Perhaps Osgood's September 19–25 letter to Lowell.

² Perhaps Osgood's September 9 letter to Lowell.

³ In his September 19–25 letter to Lowell, Osgood had stated: "I have heretofore observed that Massts. is deficient probably several Millions of Dollrs. on the old Requisitions. You can therefore clearly provide for that Deficiency."

⁴ Cf. "*quaerenda pecunia primum est; virtus post nummos*," money you first must seek; virtue after pelf. Horace *Epistles* I.1.53–54.

⁵ Not found.

Samuel Wharton to the Delaware Council

Sir,¹

Philadelphia Octr. 23d. 1782

I do myself the Honor of desiring the Favor of you to lay this Letter

before the honorable Council² of the Delaware State. It is my Duty and Inclination Sir to make circumstantial Communications to the Representatives of the People, of all foreign Advices received by Congress and their general Transactions, except in such particulars, as the national Council has thought expedient, for the Benefit of the whole Union, to impose Silence upon it's Members; And I trust you will concur in Opinion with Me, as some important & *confidential* Matters are *freely* detailed in this Dispatch, That They should be considered in that Light by my honorable Constituents.

I beg pardon for the Freedom of this Intimation, and persuade myself, That they will be so indulgent to Me, as to ascribe it to the Delicacy of my Situation. I heartily congratulate the House Upon the Recognition of our Independence by the seven United Provinces of Netherlands. This Event has already produced the happiest Effects upon the Councils of Britain, and upon Mr Adams's Operations among the monied Men. He has opened a Loan, and will soon have it filled, for five Millions of Guilders, or something more, than Ten Millions of Livres Tournois, each of which is ten pence, half Penny Sterling. The Dutch Contractors for this Loan write the Secretary for foreign Affairs on the eleventh of July "That at the present Moment We have already received More than a Million of Guilders." None of the five Millions of this Money would be subject to the Orders of Congress Until a Ratification of the Agreement, which Mr. Adams had made with the Contractors, was finally compleated by that Body. This is done, and sent to the Minister Plenipotentiary at the Hague On the Eleventh of this Month. The Loan is for fifteen Years, commencing the first of June 1782 and ending the first of June 1797, and the other Terms of it, are as follow. Five per Centum Interest, Two per Cent *Premium*, Two per Cent *Premium* to the Contractors, and half per Centum for Brokerage, and other Charges. "This four and a half per Centum," Mr. Adams writes Under Date of the 5th of July, "is to include all Expences of the Loan of every Sort," and adds, "That these are as moderate Terms as any Loan is done for. France gives at least as much, and the other Powers much more." The Treaty of Amity and Commerce with the United provinces has received the Approbation of the Admiralty of Holland, and by the last Advices, it was apprehended, That the Treaty would be signed in the Month of September, or perhaps sooner. The Dutch Nation, Congress are assured, by their Minister at the Hague, would prove Themselves useful, substantial and affectionate Friends.

Much has been published in the British and New York Papers and afterwards reprinted in those of the United States, upon the Subject of Peace. Congress have been particularly cautious not to give Credence to these Accounts, But patiently waited to receive Advices themselves from their Servants in Europe.

A Correspondent writes, That The Spaniards are going to besiege

Gibraltar. Count D'Artois, the King of France's Brother, and the Duke de Bourbon, a Prince of the Blood, are just setting out to serve as Volunteers. They intend to begin the first of September, so that We may expect One Way or other to get rid of that Incumbrance, and let the Siege succeed or miscarry, We may expect hereafter to make Use of the combined Fleet of the House of Bourbon. From what I have collected from Communications, and by private Intelligence, I conclude

1st. That the British Ministers are at Variance between themselves, embarrassed upon the Conduct They ought to hold, and not very firm in their Principles, and Places.

2d. That Negotiations will go on slowly; will serve to establish Principles, and facilitate a Treaty, But that the King of England and some of the Ministers have not lost the Idea of Breaking the Union between France and the United States.

3d. That the Situation of England; Want of Men and Money; The Efforts France intends to make, will reduce the former to a Necessity of making Peace before the End of next Spring.

Another Correspondent³ remarks that the Instructions of the British Ministry with respect to the United States are by no Means clear. They are divided upon the Subject. It is said, That Mr. Fox and his Friends incline to meet on the Terms of Independence, But that Lord Shelburne and his Adherents entertain an Idea of making a Compact with Us, similar to that between Great Britain & Ireland, and there is Reason to apprehend Efforts will be made to open a Negotiation on these Subjects at Philadelphia.

A third Correspondent observes,⁴ That two Persons have been sent here by the new Ministry to propose treating for Peace. They had at first some Hopes of getting the belligerent Powers to treat *separately* one after another; But finding that impracticable, They have after several Messengers sent to and fro, come to a Resolution of treating all together for a general Peace, and have agreed, That the place shall be Paris.

Mr. Grenville is now here with full Powers for the purpose, if They can be reckoned full with Regard to America 'till a certain Act can be compleated for enabling his Majesty to treat &c, which has gone through the Commons, And has been read Once in the House of Lords.⁵ I shall at Present need to say no More upon this Subject in this Letter, except that tho' I still think They (The British) were at first sincere in the Desire of Peace, yet since their Success in the West Indies I imagine, That I see Marks of their desiring rather to draw the Negotiations into Length, That they may take the Chance of what the rest of the Campaign shall produce in their Favor, And as there are so many Interests to adjust, It will be prudent to suppose, That even another Campaign may pass before all can be agreed. Something may happen to break off the Negotiations, and We should be prepared for the worst. It looks as if the British repented of the Advance They had

made in their Declarations here, respecting the Acknowledgment of our Independence, and We have pretty good Information, That some of the Ministry still flatter the King with the hope of recovering his Sovereignty over the United States, on the same Terms, as are now making with Ireland. The above Acknowledgments, I learn from indisputable Authority was made by Mr. Grenville in these Words. *That the King of England being disposed to acknowledge, and declare directly the Independance of America, It would be no longer a conditional Article of the Treaty.* Satisfaction was expressed, That the King of Great Britain was in a Disposition to treat with *all* the belligerant Powers, and that *He intended to make a direct acknowledgement of the Independance of the United States of America, and that this power would no longer be a conditional Article of a general Pacification.*

The preceeding Advices extend to the first of July. None have been received, since Lord Shelburne has been appointed Prime Minister of England except the succeeding Article.

Yesterday a Letter was delivered Congress from their Minister plenipotentiary at the Hague, dated the 18th of August,⁶ informing, That Mr. Fitzherbert, lately a British Minister at Brussels, was appointed, July the 24th, in the Room of Mr. Grenville, Minister Plenipotentiary at the Court of Versailles, To treat of Peace with the King of France and *all* the belligerant Powers, and states. Doctor Franklin has advised Congress, That the Ambassador from Sweden at the Court of Versailles had applied to Him to know, if He had Powers, that would authorise Him to make a Treaty with his Master, in behalf of the United States. The Doctor recollecting a general Power, that was formerly given to Him, and the other Commissioners, answered in the Affirmative. The Ambassador seemed much pleased, and said, The King had directed Him to ask the Question, and had charged Him to tell the Doctor, That He had so great an Esteem for Him, That it would be a particular satisfaction to his Majesty to have such a Transaction with Him. The Ambassador added, That He hoped it would be rememberd Sweden was the first Power in Europe, which had voluntarily offered it's Friendship to the United States without being solicited. Proper and full Powers were dispatched to the Doctor relative to this Business, The eleventh of this Month. As our Minister at the Court of Versailles earnestly recommends that the above Communication may for obvious Reasons be kept *secret*. I flatter myself, That the honorable House will admit, & adopt the propriety of the Recommendation. Congress have lately received additional, and the most undoubted Testimonys of the Friendship and firm Attachment of our illustrious Ally to the United States, not only in his decissive answer to the Court of Great Britain respecting a sepearte Peace, but in his Majesty's benevolent Consideration of our Situation with Respect to pecuniary Affairs. He has very Kindly dispensed with our Obligation to pay Interest on the national Debt due to this Prince, up

to the Date of the last Dispatch to his Minister here (The 25th of June)—But has also exonerated Us from all Expences (above five hundred Thousand Livres) accruing upon negotiating the Loan of Ten Millions of Livres in Holland *last* year, and for the payment of which, He became Guaranty for the United States. Besides these most friendly Exemptions, his Majesty has directed the Sum of Six Millions of Livres to be at the Disposition and Service of Congress.

Under cover you have Sir the printed Journals, continued from the Date of the last, which I had the Honor of transmitting to the former Council, down to the twentieth of August, and the Resolutions of Congress marked No. 1, with Regard to the Supplies for next Year, and No. 2, The Demand from the States, of One Million and Two hundred Thousand Dollars for the payment of Interest to some of the publick Creditors, as is more particularly explained in the Resolve last mentioned. Six Millions of Dollars is in the Opinion of the several Departments of Congress too small a sum for the various Expences of next year, But Congress has only made a Requisition of two Millions of Dollars from all the States. This They have done from a Hope, That They shall be able to borrow the rest in Europe. For this purpose They have resolved, That a Sum not exceeding four Millions of Dollars, exclusive of the Money, which Mr. John Adams may obtain by the Loan now negotiating in Holland be borrowed in Europe on the Faith of the United States of America, and applied towards defraying the Expences which shall be incurred, and of those which during the present War, have been incurred, for carrying on the War. And that the Superintendant of Finance and the Secretary of Foreign Affairs take Order for carrying the above Resolution into Effect, transmitting the same without Delay to the Ministers plenipotentiary of the United States at the Court of Versailles, and at the Hague.

Maryland and the smaller States have several Times attempted to bring the Object of the Western Lands to a Decission, But They have failed hitherto for Want of New Hampshire being present, and Connecticut not chusing to become a Party in the Dispute, pending the Adjustment of Preliminaries for establ[ish]ing a Court (agreable to the articles of Confederation) finally to settle the Claim, it makes upon Pennsylvania. This is now done, and We have Reason to be assured, That the Delegates of Connecticut will unite with Us and the Rest of the smaller States in voting to take up the Report of the Committee upon the Western Lands, and accepting the Cession of New York.

If the Honorable House will be pleased to recur to my Letter of the Tenth of June, They will see what Effect the acceptance of the Cession of New York will have upon the unwarrantable Claim of Virginia. It is proposed to move in this important Matter in the Course of next Week, and be assured Sir, I will not fail to keep the House informed of the progress of our proceedings. I have now only to add, That I

pray you will be so kind as to present my respectful Duty to the honorable Council, and to believe that I am with great Regard, Sir, your most Obedient, and most humble Servant, Saml. Wharton

[P.S.] The papers mentioned in page 9, I was not able to procure two sets of; But I have sent the Resolves to the Honorable House of Assembly, certified by the Deputy of Congress.⁷

RC (De-Ar: Legislative Papers). Addressed: "Honorable The Speaker of the Council of the State of Delaware," John Cook.

¹ Wharton also sent a copy of this letter to Simon Kollock, speaker of the Delaware assembly.

² Wharton wrote "Assembly" in the copy addressed to Kollock.

³ Wharton was probably citing the marquis de Lafayette's June 25 letter to Robert R. Livingston, which is in Lafayette, *Papers* (Idzerda), 5:43–47.

⁴ Probably Benjamin Franklin, whose letters to Livingston of June 25 and 29 contain information reported here. See Wharton, *Diplomatic Correspondence*, 5:510–13, 533–35.

⁵ Wharton noted at the bottom of the page: "This Bill has since been enacted into a Law."

⁶ John Adams' August 18 letter to Livingston had been read in Congress on October 17, but a related resolution on the alliance with the United Provinces was passed on October 22. See *JCC*, 23:682; and David Howell to John Carter, October 16, 1782, note 2.

⁷ That is, "No. 1, with Regard to the Supplies for next Year, and No. 2, The Demand from the States, of One Million and Two hundred Thousand Dollars. . . ." See *JCC*, 23:564, 665–66.

John Witherspoon to Nathanael Greene

Sir

Philadelphia Oct 23. 1782

Your Favour of the 28th of August reached me about ten Days ago & having only learned last Night that an Express sets out this Morning at 10 oClock for the Southward I embrace the Opportunity of writing though it cannot be at great Length. I hope you have before this Time received a Letter from me by Dr Brownson ¹ though Experience tells us that Letters by private Conveyances are very precarious. I am not certain to what you refer when you say you have read my Plan for Education ² having published several different Occasional Essays on that Subject but your Approbation of it is very agreeable. Having had Reason to bless God for a very excellent & well conducted Education my self I have from my youth up given particular Attention to the Theory of Instruction & Government in general & particularly family Government. I have observed in passing through Life that it is not easy for any Person to attain to higher or nobler Principles or a finer Turn of mind and Manners than is to be formed in the family or among the Persons with whom he is chiefly conversant. The Instruction of Masters is occasional & temporary—Daily Intercourse is perpetual and uniform & therefore its Influence

although insensible is great and lasting. I have also said often that as it is credible to think what the Earth would produce if it were always put in Condition to profit, (so to speak) by every Hour of Vegetation even in the Coldest Climates so it is incredible what early Advances a Child would make if no Opportunity of enlarging the Mind were lost.

I not only agree with you that your Son is of an excellent Capacity but I think he has more Things about him that render him fit for profiting upon my System than almost any Boy I ever saw. He is exceedingly lively & active, full of Ambition, remarkably affectionate & familiar, inquisitive & talkative so that those who un[der]take the Pains to answer his Questions and gratify his Curiosity may easily communicate all the Information which his years render him fit for receiving. He is also of a very gentle & tractable Nature so as to be very easy to all that are about him.

Finding by your Letter that what I mentioned to Mr Pettit at first is perfectly agreeable to you, I will do my best to answer your Views & laying the Foundation in Piety & Morality shall take all possible Pains to give him every other Accomplishment as he advances in years. At present my Brother in law teaches him and my grandson a little younger than he to read english & I believe all the Family will carefully observe such Directions on the Subject as I shall give them from Time to Time. Mrs Green & you may be assured that he is at present perfectly well & very happy in his Situation. I left home on Monday last & expect to return the End of next Week for altogether.

Your leaving it to me to settle the Terms is very generous and I shall after conversing with Mr Pettit write you on that subject particularly in the next Letter.

Your Remarks on the State of public Affairs are very just & you could not please me more than by Caution in not writing freely on such Subjects. We have had great Reason to see the Folly of some of our Friends in that Way. The Fate of Letters is very uncertain. Things seem to be at a Stand in Europe till the New english Ministry fix their Plan. The Negotiation however is not broken off. What you see in the News Papers of Allen Fitzherbert Esqr being the english Plenipotentiary I believe is true as also that the Dutch are likely to enter into a commercial Treaty with the united States.

With my best Respects to Mrs Greene I have the Honour to be, Sir
your most obedt humble Servt, Jno Witherspoon

RC (NjHi: Bamberger Autograph Collection).

¹ Probably Witherspoon's August 19 letter to Greene, which discusses the education of the general's son, George Washington Greene, in much the same terms as in this letter. The letter is not reproduced in these *Letters*, but is located in the bMS Am 1649.3 collection at MH-H.

² Probably, Witherspoon's "Letters on Education," which first appeared in the *Pennsylvania Magazine* in 1775-76. See Varnum Lansing Collins, *President Witherspoon: A Biography*, 2 vols. (Princeton: Princeton University Press, 1925), 2:249-50.

Elias Boudinot to John Covenhoven

Dear Sir,¹

Philadelphia 24 Oct 1782

I congratulate my Country, on your reappointment as one of its Senators & Guardians. Your Representation (I mean of the County of Monmouth) has given me pleasure. I wish I had any News worth Communicating, but we are quite Barren. The Negotiation for Peace at Versailles goes on slowly but I hope the coming Winter will revive it, with Spirit.

The enclosed Letter to the Governor² is on a Subject of great Magnitude & Importance, which I beg you to peruse, and if there is nothing ill timed or improper in it, pray seal it and deliver to him with the enclosed Pamphlet,³ without his knowing that it was sent open to you. If any thing is wrong in it, you have my Consent to the suppression of it & return it to me. I wish you to turn your Thoughts speedily to the appointment of Delegates, so that you may have a Representation on the opening of Congress on the first Monday in November. It is a matter of Consequence. I am really homesick, and am quite tired out. I hope Mrs. Covenhoven was well & all the Family. Am with best Compliments to your Colleagues, My Dr Sir, Yours very Affectly,

Elias Boudinot

RC (NjMoHP: Lloyd W. Smith Collection).

¹ John Covenhoven (b. 1734) represented Freehold, Monmouth County, in the New Jersey Assembly, 1776 and 1781–1782. Livingston, *Papers* (Prince), 1:386.

² See Boudinot to William Livingston, October 23, 1782.

³ Not identified.

North Carolina Delegates to Alexander Martin

Dear Sir,

Philadelphia October 25th. 1782

In our Letter to your Excellence of the 22d Instant we transiently mentioned the Continental Money. On a review of what we then wrote, the subject appears to deserve further explanation. The State of Massachusetts has not only collected by Taxes her full Quota of Continental Money, but she has a considerable balance in hand which she also requires that she may be allowed to pay into the Public Treasury at 40 for one. As every State has been called upon to sink its quota of that paper which was expressly fixed at 40 for one, it seems that Massachusetts has an indubitable right to Discount her quota. She contends that if she did her duty when other States neglected theirs, it does not follow that she ought to suffer by her punctuality. We cannot on principles of honor & good faith dispute her claim, but we contend that Massachusetts shall not be allowed to pay in more than her quota for two very plain reasons the first is that the money is

not worth the price that it will be valued at. The other is, that if Massachusetts is permitted to pay in more than its quota other States must be speculated upon or what is worse they must make good their quota by one silver Dollar instead of 40 such paper Dollars.¹ Virginia having called in large sums of Paper has also apply'd to Congress that an Inspector be appointed in the State who shall examine the money, destroy Counterfeits & cut or deface the Remainder to save the expence of sending the whole to Philadelphia to be examined. Other States have asked for the same indulgence. It appears that large sums are in the Treasuries of the different States. The Brokers are daily buying up Continental Money in the Town. One hard Dollar is current at 300 Continental Dollars. It may be purchased for 250. Recollecting the fate of our Law for collecting Continental Money and the suspension & subsequent repeal of that Law has left the accounts of every Collector & Treasurer open, we are under strong apprehensions that the State will be speculated upon and injured through that channel. It is certain that 900 State Dollars may be purchased for one hard Dollar. There is nothing to prevent any person from passing those State Dollars to any of our Treasures in Exchange for Continental Dollars. The profit is at least 200 per Cent. This cannot long escape the notice of those Persons, who we observe in all Countries are too numerous, who are willing to make money at the risque of honor & expence of their Country. Might it not be proper for your Excellency forthwith to require the different Treasurers to deliver in upon Oath an Acct. of the Continental Money on hands. Or rather an acct. if such may be required, of the Continental Money they have received. It is very probable or rather certain that the Continental Paper money will, on some future Day, become the subject of much altercation. The news Papers will inform you of the great Stir that is lately made in the general behalf of Paper Creditors. It began in this City with Loan Office Certificate Holders; the disease proved infectious, it extended to all Kinds of paper. A considerable flame has been Kindled but the paper is not consumed. We are particularly informed that the State of New Hampshire has in her Treasury five Millions of paper Contl. Dollars, above her quota. We cannot learn what surplus is in the Treasury of Massachusetts. In mentioning the facts that have presented themselves & the speculations that may possibly be practised upon the State, we have attempted to discharge our duty. We shall steadily endeavor to prevent any resolutions by which our State may suffer. In the mean while your Excellence will be Pleased to take any cautionary steps that you may apprehend the subject deserves.²

We have the honor to be &ca.

Hu Williamson

Wm Blount

Tr (Nc-Ar: Governors' Letterbooks).

¹ See Samuel Osgood to John Lowell, September 19, note 10, and October 23, 1782.

² For North Carolina's experience with paper currency and taxation during the American Revolution, see James R. Morrill, *The Practice and Politics of Fiat Finance: North Carolina in the Confederation, 1783-1789* (Chapel Hill: University of North Carolina Press, 1969), pp. 15-20, 25-32, 132-38, 169-75, 191-95.

Ezra L'Hommedieu to Abraham Yates

Dear Sr.

Philadelphia Oct. 28. 1782.

By the last Post we were favoured with your Letter of the 19th Instant, and by Colo Gansevolt I was honoured with one of the 20th. I am not a little surprised at the Conversation you relate, when after what passed at Poughkepsie, I made no Doubt but you stood very fair for the office so far as respected them. I have no doubt but the Determination was had here before I came, and I have reason to believe, tho I am not certain, that the Office has been given to Doctor Tillitson some Weeks ago: you will not mention this as you will soon hear of it if my Conjectures be right. I mention it as it will be improper for me further to apply on the subject, considering the Letter wrote by Colo. Floyd & myself ¹ & what I mentioned in my former Letter; ² notwithstanding I am fully in Sentiment with you, that your present office can be no disqualification for this, and that your Eyes might be continental in one Case as well as the other.

In respect to an Application for your Demand as Loan officer, I shall readily do it if Mr Duane joins therein,³ who I beleive has much more Interest with him, than some other Persons. I do not know that he will have any Objections to it: if he should, you will excuse me from applying seperately, as I think it will be of no service, of which I can satisfy you another Time. I should think it advisable for you to write to Mr Morris on the Subject, who I doubt not will give you an Answer, and I cannot think will delay giving you every Satisfaction, in that respect, in his Power. I expect to leave this Place in Ten or Twelve Days. Colo Floyd will soon be here whose Friendship for you will induce him to do you every Service in his Power.

The States are greatly deficient in paying the Quotas of the last year, so that the Superintendant has been unable to carry on the Contract for supplying the Army thro' the year with the Contractors. A new Contract is made with Wardsworth & Carter which is disadvantageous—Thirteen Pence per Ration is now given, so that we pay as much for three months as we did before for four months, perhaps he could not have done better under the present Circumstances, they giving a Credit for the money.⁴ The Prospects of Peace are not so favorable as they were some time ago. Tis Probable the British Parliament will determine whether the Independence of this Country shall be recognized by them in the present Negotiations for Peace & consequently whether we shall have another Campaign or not. A Packet is

arrived at New York and tis said a Frigate was immediately sent of to Charles Town with Orders not to evacuate that Post, 'Tis thought these orders will come too late. Tis said the British Men of War are fallen down to the Hook in Number 15, having been plentifully supplied with fresh Provisions from New Jersey. The Inclosed Paper gives you all the News of the Day. With Regard to your Family, I am sr Your most Obedient Servt,
Ezra LHommedieu

RC (NN: Yates Papers). FC (Mr. Andrew Fiske, Shelter Island, N.Y., 1980). In L'Hommedieu's hand and dated "Oct. 29. 1782."

¹ Not identified.

² See L'Hommedieu to Yates, October 2, 1782.

³ See James Duane to Abraham Yates, September 15, 1782.

⁴ For Robert Morris' "new Contract" with Jeremiah Wadsworth and John Carter for Continental rations, see Morris, *Papers* (Ferguson), 6:565-73.

Elias Boudinot to Lewis Pintard

My dear Sir,

Philadelphia Octr. 29th. 1782

I write this merely to let you know that I am well. I wish to have had the same pleasure from you by the last Post. No News yet, except that the Fleet is ready to sail from New York. One half it is said to the west Indies—the other to Gardners Bay to watch the French Fleet. It is also said that a Frigate sailed immediately on the arrival of the Packett, to Charles Town, to prevent the Evacuation.

No News brought by the Packett, has yet transpired, but am apprehensive nothing decisive is done or like to be done.

The Time is drawing nigh when I hope to have the Pleasure of taking you by the Hand. No money from Mr. F. nor likely to get any.

Love to your Fire side, Am D Sir, Your Afftly,

Elias Boudinot

RC (PHi: Gratz Collection).

John Lewis Gervais to Battaile Muse

Dear Sir,¹

Philadelphia 29th Octr. 1782

A few days ago I had the pleasure to receive your favour of the 15th Octr. by Mr. Philip Will. I am really Surprized that you have not heard from me Since my arrival in Philadelphia. I wrote to you by Col Peytons Waggon on the 27 June, & I think again on the 6th July per Mr. McWickers Waggon—who brought Miss McWicker, at least if I did not write to you by this last opportunity—I wrote to Mrs. Peyton, & Inclosed some news papers for you. In one of these Letters I particu-

larly mentioned that I should be glad to hear from you, and that if any person from your neighbourhood shd. come to Philadelphia & you desired them to call on me, I would now & then send you news papers.

I am Sorry we have not had better Success with the Indigo. If you think it would Sell more readily by lowering the price, I should be Satisfied to sell it by retail at Six Shillings or a Dollar per Pound & by the Quantity at Five Shillings. But if that will not encourage the Sale—I must wait till the Spring—the Sale of that article is now very dull here. It Sold very well last Spring.

I have enquired concerning the prices of the articles you mention. London Crown Superfine Cloath is Eight Dollars a Yard. Irish Linen good from 1 Dollar to 1 1/3 Dollar per yard, Sheeting Linen of a good quality about a Dollar a Yard. Blanketts about the quality of Bristol Blanketts which is ordinary 4 Dollars a piece—Those of a better quality will not cost less then Eight Dollars.

I Shall with great pleasure procure you any articles you may want at this place.

I believe the post goes through Leesburgh therefore I shall send my Letter by that Conveyance & if I am not mistaken you may write to me by the Same Opportunity.

When Tony went from here—I gave him my Waggon Cover to carry back, & as he was immediately to go to Fredericksburgh to deliver it to Mrs Sullivan—to whom I Sold it with my Waggon. I also mentioned it in my Letter to Mr. Peyton but sometime ago. Mrs Sullivan sent me Word she had not received it. I will be much obliged to you to enquire about it—& to give directions that it may be Sent the first good opportunity.

We have all had the small pox—the Children are all hearty now—but Mrs. Gervais has been Sick. She is somewhat better, alto. not able to go abroad, she joins me in Complements to you & Col. Peytons good family—And I remain with great regard, Dear Sir, Your most Obedient Servt.

John Lewis Gervais

RC (NcD: Battaile Muse Manuscripts).

¹ Battaile Muse, son of Col. George Muse and an entrepreneur in Virginia's Northern Neck, was land agent for Col. George William Fairfax. See Washington, *Writings* (Fitzpatrick), 27:490–91, 28:83.

John Taylor Gilman to Meshech Weare

Sir, Philada. Octr. 29th. 1782.

In a Letter which I wrote you on the 25th Ult. I mentioned that some representations had been made to the Delegates of New-York from the Govr. of that State respecting the Conduct of Vermont.¹ Those papers have been under the Consideration of a Committee,

and the last Week Congress Assigned the 30th Instt. further to Consider of, and determine this matter. Several Persons are now here who say they have been Robbed of their property, and that their persons are banished, by the authority of Vermont, in Consequence of their adherence to the Government of New York.² Without doubt you have full Information of those Transactions so that I need not be particular. The present Situation of these matters seem to require that a Final Determination should now be made, but there are many Obstacles in the way. Various Resolutions on this Subject have been passed at different Periods, and at present there seems to be much division of Sentiment respecting the matter. What will be Concluded on, or when a Final Determination will take place I cannot say, but should be glad that the Honble the Legislature would give such Instructions respecting the matter, as to them Shall seem meet.

I Suppose the Tax of Two Million Dollars is forwarded you by the Superintendant of Finance.³ You will see that the Quota Assigned to New Hampshire is in the same proportion as that of the late Tax of 1,200,000 Dollars, for payment of Interest; This proportion is not so high as that of the last Year to the Eight Million Dollars, but it is my fixed Opinion, that it is much more than it ought to be.

Have no late Authentic accounts from Europe. A Packett from Falmouth has lately Arrived at New-York, do not know what Instructions the Commander there may have received but from the Newspaper Accounts It would seem that they are Determined to prosecute the War; whatever their Ideas may be, it is Incumbent on us to be prepared for the Worst.

Have no late accounts from Charlestown; whether New-York will be Evacuated this Fall is altogether uncertain, believe they are tolerably well prepared to Stay, or to Embark on Short Notice. The Ministry of Great Britain are Changed so frequently, and their Sentiments so Various respecting American affairs that it is Impossible to Determine what will take place next; the present session of their Parliament, as it respects American Affairs, is Considered as a very Important One.

Late accounts from New-York (though not Authentic) Say, that Immediately on the Arrival of the Falmouth Packett, a Frigate was dispatched to Charlestown and that, that place is not to be Evacuated at present. I have for some time past been Daily Expecting the Arrival of Judge White, but am hitherto Disappointed. I Inclose you a News Paper of this day and have the Honor to be, Your most Obedt. Servt.

John Taylor Gilman

RC (Nh-Ar: Weare Papers).

¹ See Gilman to Weare, September 25, 1782, note 2.

² See James Duane to George Clinton, October 23, 1782, note.

³ For Robert Morris' October 23 circular letter to the states, see Morris, *Papers* (Ferguson), 6:648-49.

John Hanson to George Washington

Sir, Philadelphia, 29th October 1782.

I have the honor to acknowledge the receipt of your Excellency's two favors of the 25th with the letters inclosed, which will be submitted to the consideration of Congress at their meeting this morning.¹

Our attention seems to be principally directed to Europe and the Indies for intelligence; but none more recent than that transmitted by your Excellency has yet reached us.

I have the honor to be, with the highest respect, Your Excellency's Obedt. & very humb. Servt.

John Hanson

RC (DLC: Washington Papers). In a clerical hand and signed by Hanson.

¹ Washington's two October 25 letters, the one reporting recent naval intelligence, the other enclosing letters from the comte de Vergennes and from the mother of Capt. Charles Asgill containing "a very pathetic and affectionate Interposition in favor of the Life of Capt Asgill," are in PCC, item 152, 11:1–14; and Washington, *Writings* (Fitzpatrick), 25:295–96.

The letters from Vergennes and Mrs. Asgill pleading for the captain's life were referred this day to the committee previously appointed to report on Washington's August 19, 1782, letter on the Joshua Huddy-Richard Lippincott affair, and became the basis for the committee's recommendation, adopted by Congress on November 7, that Washington be directed "to set Captain Asgill at liberty." See *JCC*, 23:691, 695n, 715; PCC, item 19, 1:183–84, item 186, fol. 64; and Ralph Izard to Arthur Middleton, August 26, 1782, note. For congressional concern that freeing Asgill might be interpreted as a sign of weakness and lack of resolve to retaliate against similar enemy acts "of cruelty or violence contrary to the laws or usage of war," see also *JCC*, 23:716–20.

Little information on the congressional debates over Asgill's fate is found in the journals, but from the following extract from the "reminiscences" of Elias Boudinot, a member of the committee appointed on October 28 to report on the subject, it is clear that they were long and spirited.

"Congress took the Matter under full Consideration, during which Genl Sir Guy Carlton arrived at New York with the title of Commander in Chief & the preliminary Articles of Peace were announced. Genl Washington then wrote to Congress that he had first proposed the Retaliation on Capt. Asgill as an Act of Mercy on the Whole, to put a Stop to the Enemy destroying the Lives of our Citizens in the Future as they had done in Times past—That he had determined to carry it into Execution, not being satisfied with the Result of the Court-martial—But that unexpectedly the preliminary Articles of Peace had wholly changed the Ground—The Execution of an innocent Person ought to have an Object in view to prevent the unnecessary shedding of Blood—That the Example now could not have any Effect as there would be nothing for it to operate upon &c. &c. That therefore he should stay the Execution of Capt. Asgill without an express Order from Congress to the Contrary.

"A very large Majority of Congress were determined on his Execution, and a Motion was made for a Resolution positively ordering the immediate Execution. Mr. Duane & myself considering the Reasons assigned by the Commander in Chief conclusive, made all the Opposition in our Power.

"We urged every Argument that the Peculiarity of the Case suggested, and spent three Days in warm Debate, during which more ill Blood appeared in the House, than I had seen. Near the close of the third Day, when every Argument was exhausted, without any appearance of Success, the Matter was brought to a Close, by the Question being ordered to be taken. I again rose and told the House, that in so important a Case,

where the Life of an innocent Person was concerned, we had (tho' in a small Minority) exerted ourselves to the utmost of our Power—We had acquitted our Consciences and washed our Hands clean from the Blood of that young Man—That we saw his Fate was sealed—That we had nothing to do but request that the Proceedings should appear without Doors, as being equal to the Occasion, and the World should know that we had conducted the Measure with a serious Solemnity—That great warmth had been occasioned. Some harsh Language had taken Place. The Minds of Gent^{le} had been irritated. I therefore moved that the Question should be put off till the next Morning, on the Minority giving their Words, that they would not say another Word on the Subject, but the Question should be taken in the first Place, after the Meeting as of course. This was unanimously agreed to.

"The next Morning as soon as the Minutes were read, the President announced a Letter from the Commander in Chief. On its being read, he stated the rec't of a Letter from the King and Queen of France inclosing one from Mrs. Asgill the Mother of Capt. Asgill to the Queen, that on the Whole was enough to move the Heart of a Savage. The Substance was asking the Life of young Asgill. This operated like an electrical Shock—Each Member looking on his Neighbor, in Surprise, as if saying here is unfair Play. It was suspected to be some Scheme of the Minority—The President was interrogated, The Cover of the Letters was called for—The General's Signature was examined. In Short, it looked so much like something supernatural that even the Minority, who were so much pleased with it, could scarcely think it real. After being fully convinced of the integrity of the Transaction a Motion was made that the Life of Capt. Asgill should be given as a Compliment to the King of France.

"This was unanimously carried on which it was moved that the Commander in Chief should remand Capt. Asgill to his Quarters at Lancaster. To this I objected—That as we considered Capt. Asgill's Life as forfeited, & we had given him to the King of France, he was now a free Man, and therefore I moved that he should be immediately returned into New York, without Exchange. This also was unanimously adopted, and thus we got clear of shedding innocent Blood, by a wonderful Interposition of Providence." Concluding six words added in a hand other than Boudinot's. "Reminiscences of Elias Boudinot," RPJCB; and Boudinot, *Life and Letters*, 1:248–51.

William Hemsley to Tench Coxe

Sir,

29th Oct. 1782

The Superintendant of Finance will give me an Order on the Treasury in Maryland for the Money, & take Your Order on Baltimore. Be pleased to send him an Order for the Money in Baltimore that he may remit it this post—if you send it to me I will wait on him with it.

I am Sir Yr. obedt Servt.

Wm Hemsley¹

RC (PHi: Coxe Papers).

¹ Two other brief notes from Hemsley to Coxe dated October 29, 1782, also accompanied this letter.

"Sir, I shall draw an order on you payable to Mr. Jno Swanwick for sixteen hundred & sixty seven Dollars & 32/90."

"Sir, Pay to Mr. Jno. Swanwick on Order the Sum of Sixteen hundred Sixty Seven Dollars & 32/90 of a Dollar & charge the same to Acct. of Yr. obedt Servt. Wm Hemsley."

James Madison to Edmund Pendleton

Dear Sir

Philada. Octr. 29th. 1782

A continuance of Mr. Jones's indisposition has procured me the office of answering yours of the 21st. instant.¹ His relapse has been more severe than I was aware, and will keep him a prisoner in his room for some time to come. His disorder is at present rather troublesome than alarming. Mrs. Jones luckily has got pretty well over her indisposition.

You will find from the paper inclosed that a packet has lately arrived at N. York.² Rivington labours to dissipate the gloom which the prospect of peace had spread over the Loyalists, but his publications on this head carry no marks of authenticity. It appears indeed that the Shelburne party is struggling hard against the Independence of the U. States: But without a naval victory or a Russian Alliance, neither of which are within the compass of probabilities, the ambition of pursuing the war will not I hope be able to withstand the parliamentary eloquence and national distresses which will be opposed to it. It is *reported* that immediately on the arrival of the Packet counter-orders were dispatched to Stop the evacuation of Charlestown. The naval victory related in the letter from the Hague of the 17th. of Aug. is probably a fabrication of the Stock Jobbers, several letters of subsequent dates having been recd. from Holland which report nothing of the kind.³

Some Intelligence has lately come to hand from the Frontiers of N. York which speaks a language less pacific with respect to that quarter than the late letter from Sr. G. Carlton. Which of them speaks most the language of truth must be left to the event.

The British fleet at N. York has been very industrious in preparing for sea, and will probably soon leave that place. Its destination can only be conjectured. The West Indies are the object which first presents itself.

RC (NN). Reprinted from Madison, *Papers* (Hutchinson), 5:223.

¹ See *ibid.*, n.1. See also Joseph Jones to Pendleton, November 12, 1782, note 1.

² The public news that Madison discusses in this and the following letter appeared in the October 28 *Pennsylvania Gazette* and this day's *Pennsylvania Packet*.

³ These included Charles W. F. Dumas' letter of August 16–19 and John Adams' letter of August 18, 1782, for which see David Howell to John Carter, October 16, 1782, note 2.

James Madison to Edmund Randolph

My dear Sir

Philada. Octr 29th. 1782.

Our Stock of European news has recd. no other addition since my

last than what has transpired from the packet lately arrived at N. York and is published in the inclosed Gazette.

Some intelligence has been recd. from the Frontiers of N. Y. which revive the apprehension of further inroads from Canada and of a cooperation on the part of the Vermonters. The tenor of Carlton's letter to Genl Washington on this subject and other circumstances render this article at least extremely doubtful.

The British fleet at N. Y. has been busy in preparing for sea and will probably soon depart from that Station. The W. Indies most naturally occur as the object of its destination. It is said their preparations have been much expedited by the most direct & undisguised {supplies from the people of New Jersey}.¹

Congress have been occupied for several days past with the case of {Lippencut referred to them} by {General Washington}.² On one side it was urged that the disavowal and promises by the {British commander} the {abolition of the} obnoxious {board of refugees} and the general {change of circumstances} rendered {retaliation un}necessary {and in}expedient. On the other side it was contended that a {departure from the resolution} so {solemnly} adopted and {repeated} by {General Washington and} with equal {solemnity ratified by Congress} would be an {indelible blot on our} character, that after the confessions on {the part of the enemy of the deed} complained {of a} greater {inflexibility on our part} would be {looked for}, that after such confessions too {the enemy} would never suffer the {innocent to perish} if {we persisted in demanding the guilty} and finally that if they should suffer it, {the blood} would {be on their heads not on ours}. No definitive {resolution has yet passed on the subject}. All the {intermediate steps} have been very properly entered {on the secret journal}.

General Lincoln has just returned from the army. He has not yet made report to Congress.³ He says I understand that his visit has had a very {salutary operation but} that some {pay must be found for the army}. Where it is to be {found God knows}. The State of the public {finances} has already {compelled the superintendant to} give a discharge to the former contractors, and to accept of a new contract by which {thirty} Per Ct. is added to the price of a ration in consideration of credit for {three months}. He has on this occasion written a pressing exhortation to the States, which I suppose is accessible to you.

Mr. {Carrol} moved yesterday a {resolution for accepting the} territorial cession {of New York}. It stands the order for to day.⁴ I regret much on this occasion the {absence of Mr Jones}.

Mr. Jones's relapse was more severe than my last supposed. He has been since confined to his room & chiefly to his bed, and will remain a prisoner for some time. His disorder however is in a favorable train, and at present rather troublesome than dangerous. Col. Bland returned a few days ago from his excursion to Bethlehem, which has

been very beneficial to his health.⁵ Docr. Lee I suppose is with you. The approach of Novr. revives my attention to your return.

I communicated to Mrs. T.⁶ the paragraph in your favr. of the 18th inst. announcing the birth of your little daughter, and in return am charged to announce her affectionate congratulations. Mine I hope will always be presumed on every event which can add to the happiness of your family.

Yrs. Affecy.

J.M.

RC (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:224–26.

¹ Words printed in braces in this text were written by Madison in the official Virginia cipher.

² See John Hanson to Washington, this date, note.

³ See Madison to Randolph, October 22, note 8. Benjamin Lincoln's October 30 letter concerning the "expectations of the Officers of the Army" was read in Congress the same day and referred to a committee chaired by Daniel Carroll which submitted its recommendations to Congress on November 12. They were debated on the 14th and recommitment on the 18th. On November 20 "Such part as relates to the pay of the Army" was referred to superintendent of finance Robert Morris to report. See *JCC*, 23:699n.2, 730–32, 745; *PCC*, item 21, fols. 303–8, item 149, 2:105–12, and item 186, fols. 65, 66, 67.

⁴ Although Charles Thomson did not record this motion in the journals his endorsement on the draft indicates that its consideration was postponed to this day. Madison apparently wrote this letter before Congress voted seven to one to accept New York's cession. See *JCC*, 23:693–94; and *PCC*, item 36, 1:401.

⁵ See Theodorick Bland to St. George Tucker, November 1, 1782, note 1.

⁶ That is, Eliza House Trist, wife of Nicholas Trist.

Virginia Delegates to Benjamin Harrison

Sir, Philada. Oct 29th, 1782.

We yesterday recd. your Excellency's favor of the 19th instant.¹ The contents of the inclosed paper² are the whole of the foreign intelligence which has arrived since our last.

Some intelligence has been transmitted to Congress from the frontiers of N. York relative to preparations and designs in Canada which are far from corresponding with the pacific assurances held out in S'r G. Carlton's late letter to Genl. Washington. How far the intelligence is well founded must be left to the event.

The British fleet at N. York had been busily making ready for sea and it is expected will soon sail from that Station. We have no intelligence of its destination. The W. Indies are the natural object of conjecture.

It is *reported* that on the arrival of the Packet at N. York Counter orders were immediately despatched to stop the evacuation of Charlestown.

We have the honor to be with the greatest respect, Yr. Excellency's
Obt. Sevts.

J. Madison Jr.

Theo 'k. Bland Jr.

P. S. A Letter from Ge'l Washington just recd. corroborates the *report* of a vessel being sent to stop the evacuation of Charlestown.³

MS not found; reprinted from Burnett, *Letters*, 6:527–28, “copied from the original, then in the possession of Mr. Stan. V. Henkels of Philadelphia.” Madison, *Papers* (Hutchinson), 5:207–8.

¹ Not found.

² See James Madison to Edmund Pendleton, this date, note 2.

³ For Washington's letter of October 25 transmitting “Intelligence from N York,” see John Hanson to Washington, this date, note.

Elias Boudinot to Susan Boudinot

My dearest Susan.¹

Philadelphia Octr. 30th. 1782

Your Letter of the 19th Instt. lies unanswered, altho' I am still a Letter ahead of you, but as it is said, in an invaluable Book of Antiquity, that the Elder shall serve the Younger, perhaps you may think it right, that I should go on, bringing you in debt.

I propose this Letter as a serious one—I have for some time past been led by Circumstances, to reflect more seriously on the prospect of you launching into life, and leaving your Fathers Roof, as well as his immediate Protection & Guardianship.

I have reflected how far, I have done my Duty in executing the Trust committed to me, by the great Governor of the Universe in your Education—in a proper Provision for you in Life, in preparing you for usefulness in whatever Station it may please God to call you—and laying a rational foundation, by the aid of Divine Grace, for your enjoyment of a glorious & happy Immortality in the life to Come. Through the unmerited Blessing of a kind Providence, I cannot blame myself greatly, for any deficiency in your Education and Provision for Life—Nature wants but little and not that little long. I have confidence in you, that if you make good use of and continue improving those Abilities & that knowledge you now possess, your usefulness in this Life under God, may be of some Importance to your Fellow Creatures.

But my dear Child, all these are but secondary Objects. How stands it as to your preparation for and hope in the prospects of a joyfull Immortality—I can assure you in all the Sincerity of Truth, that you have been from your first Conception, dedicated to God, as his peculiar Property. At your Birth (which was a Miracle of Mercy, and deserves your whole Soul, as a living Monument thereof) you was repeatedly, by the most solemn Acts of religious Worship in the fear of God, given up to him. Your Baptism in the Face of the Church of Christ, was an Express Covenant with God in Christ on your Behalf, by which you Altogether became the Lord's—Your Parents became bound on your Part, and I devoutly trust that the Contract stands rati-

fied in Heaven. You have been instructed from your Childhood in the knowledge of your Lost State by Nature—the absolute necessity of a Change of Heart, and an entire renovation of Soul, to the Image of Jesus Christ—of Salvation, thro' his meritorious Righteousness only—and the indispensable necessity of personal Holiness without which no man shall see the Lord. You are well acquainted that the most perfect & consummate Doctrinal Knowledge, is of no avail, without it operates on & sincerely affects the Heart—Changes the Practice—and totally influences the Will—and that without the almighty Power of the Spirit of God, enlightening your Mind, subduing your Will, and continually drawing you to himself—you can do nothing. Altho' at the same Time, your own Constant unwearied Endeavours after Holiness and perpetual Applications to a merciful Saviour for this Aid, are as necessary as if you could accomplish your own Salvation by your own Works.

Blessed be God, this has been your happy Lot, but my dearest Susan, all our Tears, Prayers, Dedications, Instructions, Example, & Admonitions will not accomplish the *Event* so devoutly to be wished. What have *You* done, in your own Person, since you have come to the Age of discretion? Have you confirmed the all gracious Covenant. Have you justified your Parents, in the multiplied Acts of devoting you to God? They have travailed in Birth a second time with you, till you should be born again to newness of Life. Your baptismal Covenant was the Act of your Parents, in your Name & Behalf, but it is high Time, that this Act of your Parents should be acknowledged & renewed by you, in the solemn dedication of yourself in the Lords Supper. This is an Ordinance designed as a solemn Seal of the same Covenant, as if designed by your Baptism. They are both Seals of the same Covenant, and a worthy Subject, of one is a worthy subject of the other. I have a most earnest desire, that this important Event in your Life, should take place before you launch into the world, and leave your Father's assiduous care, that he may be blessed, with seeing the work completed, as far as human endeavours can go. That you may go forth under the protection of the God of Heaven, as his peculiar inheritance by your own Act, in Compliance with his positive Command "Do this in remembrance of me." I was led to this train of reflection by a Sermon I lately heard on this Subject—the only one I remember that fully came up to my Sentiments and which I verily believe is founded on the Truth of the Gospell. My Anxiety for your accomplishing (and that without delay) your whole Duty, made me wish most heartily, you could have heard it delivered, because it might have removed all scruples, which too often injure young & tender minds. To shew you my warmest desires for your Spiritual Growth in Grace and that you may go from under my immediate Care, the Subject of the divine special Grace & Government, I have amidst all the Variety

of my important concerns, by taking from the Hours of the Night, endeavoured to commit the Sermon to Writing for your careful perusal & Improvement. Read it with Attention—Consider it well—It is the Truth and the Truth will set you free. Be not deceived or discouraged. You are in Covenant with God by the Act of your Parents—I hope by your own private Acts. Be not afraid to go to him as you[r] Father—your Friend & your God. Remember that it is in the use of his own Appointed Means, that we are to expect the Blessing. And may the God of your Parents (for many Generations past) seal Instruction to your Soul and lead you to himself thro' the Blood of his too greatly despised Son, who notwithstanding, is still reclaiming the World to God thro' that Blood, not imputing to them their Sins. To him be Glory forever.

I have wrote this in Congress, amidst a Warm debate, to which I have been obliged to attend, at the same time, therefore, you must make the necessary corrections yourself.

My kind Love to all who think it worth while to inquire after me. Am my Dearest Susan, Your very Afft. Father, Elias Boudinot

RC (NjP: Stimson-Boudinot Papers).

¹ Susan Vergereau Boudinot (1764–1854), Boudinot's only child, married William Bradford (1755–95) of Philadelphia in 1784.

Elias Boudinot to William Livingston

Dear Sir,

Philadelphia Octr. 30th. 1782.

You will recieve very soon a Resolve of Congress, founded on an Application from the Minister of France, relative to a dangerous traffick with the Enemy, (by some People in our State,) in supplying them with very large quantities of Beef, for their Navy.¹

Coll. Blunt one of the delegates in Congress, informs me, that a Mr. Hunt (who married Mrs. Polloch) of Elizabeth Town, informed him two days ago, that his Brother of the same Town, was present & see one hundred Quarters of Beef sent off from one Place.

I thought it proper to give your Excellency this information, that if an enquiry should take Place, you may have some Clue to go by.

I have the honor to be, Your Excellency's, Most Obed. Hble Servt.

Elias Boudinot

RC (NN: Livingston Papers).

¹ Congress this day had resolved to send Livingston and General Washington a copy of La Luzerne's October 28 letter reporting "flagitious clandestine commerce" between New Jersey residents and the enemy, and directed them to "take speedy and effectual measures to suppress the said pernicious clandestine commerce." *JCC*, 23:697.

James Duane to George Clinton

Dear Sir,

Philadelphia, 30th October, 1782

I take up my pen in Congress to inform your Excellency that Our Cession of Territory for the benefit of the United States is accepted.¹ That of Virginia, under some Restrictions which are thought rigid, is suspended: but I have no doubt but this business will be accomodated. Your Excellency is apprized of the Principles which produced our Cession; they will do Honour to our State as well as promote its Interest.

This was the day for Vermont; but it is too much wasted; tomorrow will be devoted to it, and I hope soon to write to your Excellency the Issue.² I refrain from any Opinion lest I should be deceived.

I have nothing new to communicate but what you will find in the publick newspapers to which be pleased to be referred. I entreat your Excellency to send my Successor in a Service which cannot be executed without the means of subsistence; especially when all which the Legislature intended as a precision would soon have been expended had I not met with the Injury which I formerly mentioned. What must be the Case now? Excuse my harping so much upon a Subject of which I cannot get clear. I hope to hear of your Excellency's approbation of my hint for a Credit from Mr. Carter to the Amount of £150 to supply my most pressing wants, & prevent my leaning on your Excellency's shattered fortunes, or engaging in an Obligation which I forsee I cannot discharge.

With respectful Compliments to Mrs. Clinton and Mr. Benson. I beg your Excellency will believe me to be—with the utmost Regard
Dear Sir, Your Excellencys affectionate and most obedient Servant,

Jas. Duane.³

P.S. Mr. Secy. Livingston is returned last night. He exposed himself by his long absence more than I wished.

Reprinted from Clinton, *Papers* (Hastings), 8:49–50.

¹ New York's cession of western land was accepted by Congress on October 29, upon a motion by Maryland delegate Daniel Carroll, by a vote of 7 to 1. *JCC*, 23:693–94. See also James Madison to Edmund Randolph, October 29, 1782, note 4.

² See Ezra L'Hommedieu to Clinton, November 5; and Duane to Clinton, November 14, 1782.

³ Duane also wrote a brief letter this day to his wife Mary on family matters, and reported that "We have no news but what you will find in the papers I now send for the Amusement of the Family." Duane Papers, NH.

Eliphalet Dyer to Thomas Shaw

Sir

Philadelphia Octobr 30th 1782

Yours of the 16th came safe to hand, I hope the return of the

Notice for Trial in the cause vs Stanton will arrive in season at least by the 8th of Novembr the day Assigned & for which have Engaged Judge Paca to come up from Maryland. Since my last¹ to you have received a New appointment from the Assembly as Delegate in Congress for the Year Ensuing which will Oblidge my tarrying here this Winter tho' on many Accounts with much reluctance, I find all my Wages if I was ever to receive them would not pay for extraordinary Expences in Cloathing & otherwise at this place. I have never received my Wages for part of the 2 last years I was here before, nor on my Superior Court and Assembly Debentures for about 2 Years last past when in the State, which in fact straitens me for money, there will be fees to pay in the office to the Register &c tho I know not at present how much. If you had any body in this City to draw upon to supply me with £20 or £30 it would be a favour. Mr Huntington will set out for home before the Trial comes on. I mean to Assist all in my power in the cause & hope to be able by my Next to give you a favourable Account of the Issue.

Am Yr Hle Servt,

Elipht Dyer

RC (CtY: Shaw Papers).

¹ See Dyer to Shaw, October 2, 1782.

David Howell to Nicholas Brown

Dear Sir,

Philadelphia Octob 30 1782.

Your very acceptable favour of 15 Inst. came duly to hand per Post, the enclosures as well as contents were agreeable. I am happy to find that abler pens have at length enlisted in so good a cause. The opposition to the Impost, I am convinced, gains ground in Congress as well as in this City. I have taken great pains to explain the principles of Liberty & to shew how the Confederation will secure it to us, & I can assure you that *great Charter of our Liberties* is lately more frequently quoted & growing into that sacred veneration to which it is entitled. When I first came here, Genl. Cornell called it *a rope of Sand* & I found he had caught the expression from others. The States are not to be held together by the strength of penal laws & coercion, but by their mutual intrest—And if a wise & just policy is adopted it will continue in future the intrest of the States to remain confederated as much as it now is, or has been. Every measure which tends to greive one member of the Union, tends to a Dissolution; for nature teaches to seek redress: And Self preservation, among Laws, is *Lord paramount*.

I did not mean to give it as my opinion that no more would be done to inforce the Impost; far otherwise, my Letters will shew the pains I have taken to counteract such efforts. But the tax of 1,200,000 was framed & urged by those, who had little, or no remaining hopes from

an Impost, while the others consented to the measure. This I conceived at least a confessed judgment in all that the impost was a fund of remote consideration & from which no present hopes could be entertained.

Since the recommendation, or rather *demand* of an immediate & definitive answer of our State in regard to the Impost a motion was made in Congress to appoint a Committee to draw up a spirited address to our State on the Subject & it was suggested that the Delegates ought also to write in favour of a measure so necessary, or they would be chargeable with the consequences. The loss in Mr. Morris's Contracts for want of money was also laid at our Door. This all together raised me to a pitch. "Mr. President, The measure now proposed is indeed very extraordinary. You have recommended the Impost; Your Financier has written frequently & largely to the State on the Subject; you have sent to the State a Deputation of two respectable members of this house to referee the measure, to which embassy you have not yet recd an answer. But three days ago you passed a resolve requiring an immediate & definitive answer on this head; Unless the present measure is calculated for downright *coercion*, or to *overawe & terrify* the little State of Rhode Island to adopt the impost *against their interest & judgment* I am at a loss for its *object*.

"I hope, Sir, that the State I have the honor to represent, tho the *least* in the Union & the *last* to decide upon this Question, will do it with *the same deliberation & independance of Spirit, uninfluenced by the determination of the others*, as the *largest* State in the Union and the *first* which adopted the measure had a *right* to. Every State, Sir, is equally Sovereign & independant. Every State has an equal right to the advantages of the Confederation & to be bound only by their own consent. I hope we shall never sacrifice the essential object of the war as a means of supporting it. This would rather have a contrary tendency. We have drawn our Swords in defence of a good Constitution & for the privilege of being governed by laws of our own making. While you continue to the people these objects they will support you to the last penny in their purse & the last drop of their blood. Infringe their rights, invade the Confederation, & you can no longer assure yourself of the peoples support. I hold in my hand, Sir, a receipt of taxes from the little State I have the Honour to represent for the Month of Sept. to the amount of upwards of 4,000 Dollars which I beg leave to read.— This may be thought a small Sum; but examine the treasury, you will find the State has paid more than five times its average proportion of the monies recd. Had all the States in the Union paid in proportion Mr. Morris's loss would not have happened. His calculations were made on the tax of 8 millions *constitutionally* required & not on an *imaginary* impost. Who then is accountable for that loss?

"Gentlemen would indirectly blame us for not enforcing the Impost by letters to our State. Every necessary information has been laid

before our Constituents & we confide in their wisdom & virtue, we do not wish to bias their minds by any *indirect* influence. In return I shall only observe that had the Delegates from other States been equally importunate with their Constituents to pay into the treasury their quota of the 8 million & equally successful with us, the loss complained of would not have happened, our treasury would have been better supplied; before therefore Gentlemen can be entitled to throw blame on us for not enforcing an *unconstitutional* measure it behoves them to convince the world that they have done their duty in enforcing that which is *constitutional*." (this part was in answer to Mr. M——n from Virginia).

I give the above as a rough Schetch of the mode of speaking to questions with us. It is a true relation & nearly in the terms in which it was spoken. After much altercation & debating the proposition more than an hour, the question was called for. I demanded the yeas & nays to bring it on the journals. The Gentlemen being convinced that it would not make a good appearance there withdrew it, and no vote was taken.¹

Our men in the field & our monthly payment of taxes, while they continue a proof of our zeal in the common cause of our Country, are the most availing weapons to ward off the 5 per Cent and every other attack. I hope the State will continue &, if possible, increase its exertions in collecting taxes. Money must be raised. We shall borrow abroad from 5 to 6 million of Dollars, if such a Loan can be obtained. Nothing appears but what our credit is yet good in Holland & France will never desert us. I am fully impressed with the difficulties of the people in paying taxes. I have done all in my power to lessen expences & lower Salaries. You will see that I divided with Genl. Cornell about adding 20 Dollars per month to the pay of Baron Steuben, Inspector general, who then had that of a Major General.² I despise all General Cornells certificates of his good behaviour from Members of Congress.³ He descended below his dignity if he had any in asking such of them & they in giving them. I have sent to the State attested copies from the journals, which I had a right to by the last clause in Art. 9 of the Confederation, to shew my Constituents the part I took on some capital Questions; if they also disclose the votes of my colleague, I am not to answer for him. If I was capable of serving a party, at my return I could obtain certificates as well as others; but I thank God for giving me a Soul to despise such proceedings altogether. You may learn from *the journals* & from *me*, what I have done; I am not a School-boy to take Letters of recommendation from my Masters. Such let those take who need them.

Genl. Cornell has to account with the State and the public, how he could accept his present office without violating the 5 Art. Confedn. I believe no *private* certificates can help him out of this hobble.

Mr Manning will inform you of what is agreed to be done in regard to the College affairs before this will reach you.

By the blustering of the British towards the close of this Campaign, you are to be led to expect that the war is to be carried on with renewed vigour & that all the World is about to join them. Regard not such puffing. They are tired of the war. They have as yet no assured friend to assist them. If they meant ever so seriously to make peace the ensuing winter they would throw out all these appearances.

The reigning party in the British Cabinet are against Am. Independence. The King gags at it as tho' it would choak him, but could other matters be adjusted in regard to a general pacification the bitter pill would be swallowed, as the nation discover a manifest reluctance against paying their money any longer to carry on a war with the professed & sole purpose of subjugating this Country.

Yours, &c.

David Howell

Sir.

Our Cozen James is in the City & introduced by Captn. Anthony & others into the best Company. I am so busy that I cannot wait on him so much as I would.

You may shew this Letter to any friends as you have occasion—particularly to your Brother, Comdr Hopkins, John Jenckes, Gov. Bowen, our Deputies &c &c &c.

With best regards to Mrs. Brown & all friends, you will believe me to be, dear Sir, your sincere friend.

David Howell.

P.S. You will excuse me for writing so incorrectly. My Letters are generally so long, that I copy none—And so often burnt on a second reading that they seldom have even [. . .]

D.H.

RC (RPJCB: Brown Papers).

¹ Consequently there was no journal entry for this motion and debate.

² For this July 26, 1782, vote, see *JCC*, 22:420.

³ For Cornell's concern over Howell's criticism of his voting record, and the "certificate" of the New York delegates concerning Cornell's congressional stance on half pay and western lands, see New York Delegates to Cornell, September ? 1782.

Samuel Osgood to John Lowell

Dear Sir.

Philadelphia Octr. 30th. 1782

I had the Pleasure of receiving your Favor of the 17th Inst. per Post—& esteem myself under particular Obligations therefor. I had prepared a Draught of a Letter for you,¹ principally respecting Asgill. I have either mislaid, or Lost it. We have had very lengthy Debates upon this important Subject. I wish I could furnish you with a Copy of the Court martial upon Lippincut—But it is very lengthy. I do not apprehend the Intentions of Congress are sanguinary. If they were,

the Rect. of a Letter Yesterday via New York from the Count de Vergennes would probably remove them. The Mother of the unfortunate Asgill, with the utmost maternal Tenderness, addressd the Count in Behalf of her Son. He as a private Man, writes, with the Approbation of the King, & much more, even that of the Queen. Tho the Letter does not demand the Liberation of Asgill absolutely—I think it is not much short of it. It is now before a Committee—had not this Letter been recd. there were a thousand Chances to one in Favor of Asgill—now, if we liberate him, we in a Measure loose the Honors of a merciful Disposition. I could have wished to have had the Act noble & conspicuous on our Part, as flowing spontaneously from our own Tenderness.

Yesterday on a Motion of the Delegates of Maryland the Cession of New York was taken up & after lengthy Debate the Yeas & Nays were taken upon the Question & seven States were in Favor of accepting that Cession, it is entered in the affirmative. But a Question arises, are seven States competent, by the Confederation, to such Acceptation. It is affirmed by some & denied by others. You will find in the Journals for 81 & 82 Page 334 the following Resolution of New York “That it is the Sense of this Legislature, that Congress have not any Authority by the Articles of Confederation in any Wise, to intermeddle with the former territorial Extent of Jurisdiction or Property of either of these united States except in Cases of Disputes concerning the same between two or more States in the Union, nor to admit into the Union, even any british Colony except Canada without the Consent of nine States, nor any other State whatsoever, nor above all to create a new State by dismembring one of the thirteen united States without their universal Consent.”²

Taking for granted that the Vote of Yesterday was carried in the affirmative—what can Congress do with the Territory? Can they upon the Principles of the Confederation erect & take into the Union a new State? Does the Confederation empower Congress to accept of any Thing that looks like a Fund, independent of the united States? Does it authorize & empower Congress to grant a patent or Charter with Powers of Jurisdiction? Can Congress in any Manner whatever become the Fountain of such Power? If not, what will become of the said Territory? I think many Difficulties will inevitably occur in the Management of this congressional Territory. Indeed, at present, I believe no Friend to these States dare show his Head within a hundred miles of the Country. It is possessed by Indians & some Britons. What a well founded Prospect does this Tract of Country afford the United States for discharging all their Debts?

Mr. Jackson will see you probably as soon as this will arrive. Two Days he has been detained by Rain—I don’t urge that a Colleague may be forwarded because I must conclude there is one already upon the Road.

Permit me to add, that with the greatest Truth & Sincerity, I am,
Dear Sir, your most obedient Servant, Samuel Osgood

[P.S.] Yesterday a Note from the Minister of France w[as] handed to Congress, setting forth that immense Quantities of Provisions went in, to the Euemy from New Jersey.³ I beleive it is too true: it is said they Pay for it in Cash only & give for Beef 2/6 Currency per lb. The above Note will be forwarded to our Governor next Post. The Minister I apprehend supposes that those Provisions will enable the british to operate against our Allies more powerfully in the West Indies. Dyer says such Propects of Gain will carry them thro' *Hell Gate*—to obtain it. I am rather in Opinion that it cannot be prevented. Capital Laws will not be executed—And others will be evaded.

RC (DLC: Osgood Papers).

¹ Not found.

² For this November 19, 1781, resolution of the New York Assembly, entered in the proceedings of Congress for April 4, 1782, see *JCC*, 22:172. Osgood is quoting from the David C. Claypoole edition of the *Journals*, for which see Evans, *Am. Bibliography*, no. 17,767.

³ See Elias Boudinot to William Livingston, this date.

Eliphalet Dyer to Jonathan Trumbull, Jr.

Dear Sir

Philadelphia Octobr 31st 1782

I have for a month or two past began I believe not less than 5 or 6 letters to you, with an expectation the Affair of your late brothers¹ Account would be brot to a Close & to have finishd by letter with that Information but by expectations have been as repeated frustrated & I had to thro my letters in the fire. The First Comtee reported that it was their opinion, that the monies expended, tho all before the Scale of Depreciation should be reduced to its real Value according to a Scale of Depreciation fixd by this State which began Depreciation in Jany 1777 & brot it to 2 for one before Sept 1777, which would reduce the sum & Consequently the Commiss about one quarter & even that was opposed. Congress recommitted it to the same Comtee to advise with the Financier and after about a month they reported again a Gross sum Viz about 29,000 dolls to be due which would be about the same sum as it would amount to by their first report, and that was opposd again, & again Committed to the same Comtee but one of them being Absent they added Another Gentn from North Carolina, a proper representative of Mr Burk who formerly made the opposition. When the Commissions was first Granted, the 2 others Who had had their report so often rejected would not concern themselves but little about the Affair but left it much to Doctr Williamson who had made the most opposition in Congress, and Notwithstanding all my Urging & pressing the Matter he kept the papers I believe about six Weeks before I could get the report in Again. By the way in the last Commitment Congress threw up the Commissions wholly &

ordered them to report a gross sum what they thot was justly due for his services About 2 years & a half & they finally have reported 12,000 dollars beside the ballance which Stands against him on his Accounts which reduced it from the first report Viz 29,000 to 12,000.² This was but a day or two agoe, and as I found I was now to tarry all Winter for special reasons I have not moved to have this last report taken up Waiting some few days for a more favourable oppertunity. I have spared no pains in every proper way out doors & in to obtain justice in the Cause in some measure equal to what they have treated others & hope I have made some Impression, & that Congress may at least Order the sum first reported, but at present uncertain. Shall give you further Intelligence in the affair as soon as ever Compleated.³ Mrs. Trumble is distressed for want of a little money, begs if possible you could furnish her with some, possibly about \$100 dollar as she cannot return this Winter, presents her sincere regards.

Am Yours

Elipht Dyer

RC (CtHi: Jonathan Trumbull, Jr., Papers). Addressed: "Jonathan Trumbull Esqr., Head Quarters, Continental Army near Peek's kiln."

¹ That is, former commissary general Joseph Trumbull.

² See *JCC*, 23:691-92.

³ See Dyer to Trumbull, January 24, 1783, note 1.

John Hanson to Estévan Miró

Sir,

Philadelphia 31st October 1782

I had the honor to receive the two letters which your Excellency was pleased to write on the 4th of May and address to Mr. McKean, my Predecessor, respecting Mr. Oliver Pollock. I immediately communicated them to the United States in Congress Assembled. The inclosed Resolution will satisfy your Excellency of the good disposition of Congress and of their firm determination to do Justice to Mr. Pollock, and as soon as possible enable him to satisfy the demands of those subjects of His Catholic Majesty who have so generously aided him in his services for the United States.¹

I pray God to have you in his Holy Keeping, and grant you happiness & success in the administration of your Government.

I have the honor to be, with due respect, Your Excellency's obedt. & very humb. Servt,

John Hanson.²

RC (NjP: De Coppet Collection). In a clerical hand and signed by Hanson. Addressed: "His Excellency Stephen Miro, Esq, Governor of Louisiana."

¹ Estévan Miró was the acting commandant and governor of New Orleans in the absence of Bernardo de Gálvez. His May 4, 1782, letters to President McKean, written in behalf of Oliver Pollock, former commercial agent for the United States in New Orleans whose long outstanding claims had been reintroduced to Congress on September 23, are in *PCC*, item 50, fols. 327-37. For the continued delay over the settlement of

these claims, in part because of their entanglement with Pollock's similar claims against Virginia, see Morris, *Papers* (Ferguson), 6:560–63, 675, 7:385, 423, 482; *JCC*, 23:680–81; and Virginia Delegates to Bernardo de Gálvez, May 4, 1783. For Pollock's previous efforts to reach a settlement with Congress, see these *Letters*, 13:256–59, 17:207; and James A. James, *Oliver Pollock: The Life and Times of an Unknown Patriot* (New York: D. Appleton-Century Co., 1937), pp. 269–84, 347–55.

²A "duplicate" of this letter was also sent to Miró on March 3, 1783, with a brief cover letter from Hanson's successor Elias Boudinot, both of which are in Papeles de Cuba, Legajo 2370, fols. 427–29, Archivo General de Indias, Seville (DLC microfilm). The letterbook copy of Boudinot's letter is in PCC, item 16, fol. 179.

Theodorick Bland to St. George Tucker

Dr. Tucker

Philada. Novr. 1st. 1782

I received yr. Short *note* enclosing a small letter from my Father to you, for which I am much obliged to you—and altho the description of his Situation is by no means such as I could have wishd—it is however better than I had reason to hope for from the information that I had received of his low state of health. At any rate it relieves me from much anxiety to hear from him frequently. My own state of health has been such as has lately obliged me to leave Congress for eight or ten days, and make an excursion to the upper & more healthy parts of this State.¹ I thank God it has been attended with considerable benefit to my health. I shall endeavor much to pay you a Visit before Christ-mass—but we have been so embarrassed on acct of money matters, that unless we can alter our arrangements for the better I do not see how it can be accomplishd. Mr. Pollocke of New Orleans will deliver you this. I take the liberty of recommending him to your notice—he will inform you of his purpose in going to Virginia²—as far as you can yield him your aid or Influence I doubt not it will be done. If I can procure it before he sets off—I shall Send you a Copy of McFingall a Poem written by Mr. John Trumbull of Connecticut, after the manner of Hudibrass but in my opinion Surpassing the original.³ Indeed from the manner in which tis treated, the different Character of the people, and the different Subject—I think it may fairly be deemed an original. Your taste & Judgement will however stamp on it the seal of merit better than any comment of mine can do. I congratulate you on the birth of another Son and hope you will make my congratulations acceptable to my Sister and assure her (if need be) of my most affectionate wishes for her health & happiness God Bless you all.

T Bland⁴

RC (ViW: Tucker-Coleman Papers).

¹Bland had gone to Bethlehem, Pa., for reasons of health, apparently leaving Congress on or about October 17 and returning "a few days" before the 29th, for which see *JCC*, 23:656, 690; and James Madison to Edmund Randolph, October 22, note 10, and October 29, 1782, note 5.

² Congress had recommended on October 22 that Virginia adjust the accounts of commercial agent Oliver Pollock "with as much despatch as may be practicable"—a recommendation that Robert Morris transmitted to Gov. Benjamin Harrison on the 29th. See *JCC*, 23:680–81; and Morris, *Papers* (Ferguson), 6:563n.7, 675. See also the preceding entry, note.

³ The first canto of Trumbull's *MFingal* (a benighted loyalist landowner) had been printed in Philadelphia in 1776; the completed work was published in three separate editions in Hartford, Conn., in 1782. See Evans, *Am. Bibliography*, nos. 17,750–52; and *DAB*.

⁴ The next day Bland also sent Tucker the following brief note: "I have according to promise got for you [McFin]gall which I now enclose. The Royal Geo[rge] has certainly gone to the Bottom with Admiral [Kem]penfeldt & the greatest part of her Crew—it [seems] pretty Clear that the British have been worsted in the Naval action in the E Indies—the negotiations still go on for peace. Gibraltar Still Closely besieged—the Combined fleets in the Bay of Gib. to Cover the Siege." Tucker-Coleman Papers, ViW.

Samuel Wharton to the Delaware Assembly

Sir

Philadelphia 2d Novr 1782

I did myself the Honor of addressing you on the 23d of last Month, and then gave some Expectation that the Cession of New York to the United States would this Week be taken up and considered.¹ This was done on Thursday, and the same Day Congress approved it. Maryland, Delaware, Pennsylvania, New Jersey, New York, Rhode Island, and Connecticut were for the Acceptance. Massachusetts Bay, New Hampshire and Georgia were unrepresented. North and South Carolina were divided, and consequently had no Votes. Virginia was solely in the Negative. There has been a liberal Conference between several Members of different States, and the Delegates of Connecticut, and it issued in a Determination, That a Motion should be made next week, recommending to the last mentioned State, a Reconsideration of their Cession, and to make it free from all Conditions. This We are assured will be done. The Cession of Virginia will *not* be accepted: But Congress will in the strongest Manner soon call upon that State to make One exempt from every Condition, and at the same Time press North and South Carolina to do the same. No publick Advices have been received from Europe, since the Date of my last Letter. I pray you to present my dutiful Respects to the honorable House, and be assured yourself, That I am with great Respect, Sir, your most obedient and most humble Servant,

Saml Wharton

RC (DeHi: Willard S. Morse Autograph Collection). Addressed: "The Honorable Speaker of the House of Assembly of the State of Delaware."

¹ See James Duane to George Clinton, October 30, 1782, note 1.

Jonathan Arnold to Daniel Cahoon

Dear Sir.¹

Philadelphia Novr. 4th. 1782.

I have just received a letter from Dr Randall (my pupil) which informs me of one he had recd from you—partly on business, and partly on friendship, as to the first I can do little more at this distance than bid you Godspeed—the latter no distance can controul those agreeable sensations the mind is susceptible of upon such occasions, and it will be my highest pleasure to improve every opportunity in keeping up so desirable a Correspondence.

I wrote you lengthily, & as confusedly as lengthily, just before I set out for this place² and informed, my intentions of committing Lyndon to your care, where I hope he has arrived before the date of this. We have no news, stirring. Our Grand Army, are already in Winter Quarters—and the prospect of a speedy Peace, is greatly lessened. Congress has done but little business, since my Arrival—they have accepted the Cession of N York to their Western Territory, and thereby acquired the Right of Soil to about four times the quantity of Pennsylvania State. Connecticut, it is expected will make a second step very soon—in the same Way. Virginia & the Carolina's and Georgia—oppose with great temper, every movement of that kind—being apprized that it leads to disencumber them of their unweildy bulk, which now is productive merely of Pride & poverty, but which in the hands of Congress, might become the sources of Wealth & power to the United States, and relieve them from the burthens under which they now groan—for at a moderate calculation those lands, would be a sufficient fund to discharge the National debt, and of course re-establish our National Credit. Mr. Howell, shines on these subjects, he has made himself master of them, and his arguments, tho' unregarded too much when the vote comes on yet strike conviction into & silence his opponents.

General Cornell, had quitted Congress before my Arrival—the Superintendant of Finance had given him an Appointment of 2000 Dollars per Ann. (much more than the State allows a Delegate).³ I should think his conduct will not meet with the approbation of his Constituents upon this Occasion. A Mr. Phelps,⁴ an Esquire under N.Y. in Vermont State I expect will be the bearer of this. I wish you to treat him well for doing me the favor if he should. You can by getting a Letter to any Post Office favor me with a return. I shall be anxious to know the state of the good Family—and how business goes on tho' I am prevented from giving that assistance I wish. I directed Dr. Randall to forward to you by Lyndon—a Note against Dr. Hopkins of Bennington payable in Beef or Flour at Winchester the 25th Dec next which I expect he will deliver—by the time, if he should forget to send the Note, by him it will be forwarded when opportunity presents.



Elias Boudinot

It may be useful to give me as exact a state of your wants as possible, this will enable me to forward directions to Dr. Randall in such sort, as to render business more easy tho' not so much so as, I could make it, if at home.

Nov. 14th. The said Phelps, not being likely to return soon and having given such specimens of his Conduct as gives me no very favorable Idea of the Man, I send this by the way of Providence.

Since writing the foregoing nothing of Consequence has transpired. We have been hourly in expectation for some time past, to hear of the evacuation of Charles Town—but the wished for intelligence has not yet arrived.⁵

RC (Vt: Henry Stevens Collection). In Arnold's hand, though not signed.

¹ Daniel Cahoon (1731–1811), a former Providence merchant, was preparing to open a foundry in partnership with Arnold at Winchester, N.H., and was purchasing lands in Vermont for fellow Rhode Islanders. In 1790 he became a founder of Lyndon, Vt., where he subsequently served as town clerk. See W. Arthur Simpson, "A Note on Lyndon and Lyndonville, Vt.," *Vermont History* 23 (1953): 150–52; and the *Providence Gazette*, December 23, 1811.

² Arnold's September 1 letter to Cahoon, in which he explained that "the General Assembly have requested me to proceed to Congress as soon as possible," and that therefore he would take advantage of Cahoon's offer to take in his son Lyndon for the winter at Winchester, is also in the Henry Stevens Collection, Vt.

³ For further information on Ezekiel Cornell's resignation from Congress to become inspector of contracts for the Continental Army, see David Howell to John Brown, September 10, 1782, note 4.

⁴ For Charles Phelps' controversial activities related to the Vermont controversy, see James Duane to George Clinton, October 9, and Ezra L'Hommedieu to Clinton, November 13, 1782; and these *Letters*, 14:48, 333.

⁵ Arnold had left this letter "open" in the expectation that Phelps would be delivering it. Disappointed in that hope, he enclosed it with a second letter he began the following day, for which see Arnold to Cahoon, November 15, 1782.

Elias Boudinot to Hannah Boudinot

My dearest Love.

Philadelphia Nov. 4th. 1782

I wrote you this Morning,¹ which will probably get to hand before this. You must not blame me hastily for a Step, which from the Nature of the Thing, must be taken before & without Consulting you. I informed you that I had this morning accepted the Chair of Congress.² Your presence is doubly necessary, and I shall be very awkwardly situated till you arrive. As to my Affairs at home, you & Mr. Pintard must settle the whole—you must leave home, for at least one Year. I think you had best sell whatever you think we shall not stand in need of. I leave the whole to your Judgment—only keep the young Steers, and such of the Calves as you think you shall want, or all of them if you please. You must get all the Cash you can; as that all will

not be sufficient. Sell one or two Horses, the largest Colt & the little Mare if you can get a good Price for her, say £25—but not otherwise. Sell the Waggon, Plough, Harrow, Chair (reserving your ride to Princeton) & supernumerary Hogs, send one Cow to Pangburns to make up for the lost one. If you can, let out the Steer & Oxen, if you can't, sell the last—do it. Coll Ludlow will assist you. You must bring whatever you think proper with you. Phillis must come, if not Lena too. I want a body Servant much. Johnson is gone to Maryland. If you could hire Dier for the Year at a reasonable Price I should be glad. You must do as you Please. As to the Family, I know not what to say about them. I think if you could manage it so that Mr. P could live in the House & Mr. Remson lodge in the office, it would answer a valuable Purpose—but I really know not what to advise to. I wish Mr Remsen to come down here on Saturday or Monday (would be best) before the Superior Court next week, that I may instruct him particularly on the Business of the Court.

I scarcely know what I write. I am all dressed for the reception of Compliments, Congratulations &c &c. How happy should I be was you here.

This goes by Dr. Romain who promises to call on you with it.

Am my Dearest Love with unbounded Affection, Yours sincerely,
Boudinot

[P.S.] Love to Susan, Mr. Pintard & all Friends.

RC (NJHi: Statesmen Collection).

¹ Not found.

² For the convening of the new Congress and the election of Boudinot as president this day, see *JCC*, 23:707–10.

In addition to the reading of the delegates' credentials, this day's business also included the adoption of a motion of thanks to outgoing president Hanson, "in testimony of their approbation of his conduct in the chair," which was communicated to Hanson by Boudinot in a brief letter of November 5. PCC, item 16, fol. 156. Hanson's November 6 letter of acknowledgment, expressing his "warmest gratitude" for this mark of congressional approval, is in PCC, item 78, 12:253–54.

James Madison's Notes of Debates

In Congress November 4th. 1782.¹ Monday.

Elias Boudinot was chosen President² by the Votes of N. Hamshire represented by John Taylor Gilman and Phillips White—Rhode Island by Jonathan Arnold and David Howell—Connecticut by Benjamin Huntington & Eliphalet Dyer—N. Jersey by Elias Boudinot & John Witherspoon—Pennsylvania by Thomas Smith, George Clymer & Henry Wyncoop—Delaware by Thomas McKean & Samuel Wharton—Maryland by John Hanson, Daniel Carroll & William Hemsley. The votes of Virga. represented by James Madison & Theoderick Bland &

of S. Carolina represented by John Rutledge, Ralph Izard, David Ramsay, & John Lewis Gervais, were given to Mr. Bland. The vote of N. York represented by James Duane & Ezra L'Homedieu to Abner Nash. The vote of N. C. by Abner Nash, Hugh Williamson & William Blount to John Rutledge. Massachusetts having no Delegate but Samuel Osgood had no vote—Georgia had no Delegate.

A Letter dated Oct. 30. 1782 from Gen. Washington was read, informing Congress of his putting the army into Winter Quarters, & of the sailing of 14 ships of the line from N. York, supposed to be for the W. Indies & without Troops.³

do. July 8 from Mr. Carmichael at St Ildefonso⁴ informing Congress of the good effect in Europe of the rejection of the proposal of Carlton, by Congress & the States; that the King of Spain speaking of this news at table praised greatly the probity of the Americans, raising his voice in such a manner that all the foreign ministers might hear him. Mr. Carmichael adds that He had discovered that the Imperial & Russian Ministers by directions from their Courts had renewed their offered mediation to his M. C. M. and that he suspected England was at the bottom of it. Quere.

do. Nants Sept. 5 from Mr. Laurens, notifying his intention to return to America; that being so advised by his friends he had applied to the Ct. of London for a passport via Falmouth; that Cornwallis had interested himself therein & that the passport had been promised.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:234–35.

¹ Beginning this day, the first of a new session, and continuing through June 21, 1783, when Congress adjourned from Philadelphia to Princeton, N.J., Madison frequently made notes of daily proceedings—including letters read, motions, reports, resolutions, debates, and votes—and apparently transcribed them shortly thereafter. He may well have been dissatisfied with Charles Thomson's keeping of the public journals, for which see these *Letters*, 18:179n, and may have decided at this period of critical decisions on foreign affairs, Vermont, and western lands that he needed to maintain his own supplementary record of transactions. For a detailed physical description of the notes and the context in which Madison created them, see *ibid.*, pp. 231–34.

To ensure a measure of secrecy, Madison often used initials in his notetaking, left surnames blank, and occasionally employed cipher. On more than one occasion in later years, however, he expanded these initials, supplied surnames, and otherwise altered and clarified the text. The editors of the Madison *Papers* chose to incorporate nearly all of these changes, with explanation, including pencilled reminders such as “see journals.” This edition of the *Letters* has occasionally retained selected textual embellishments, where Madison filled in less obvious names or clarified obscure references, but not where he merely altered spelling or grammar or did not add to the sense of the text.

² Boudinot's election was communicated to the states and to generals Washington and Nathanael Greene this day in a brief circular letter from Secretary Charles Thomson. PCC, item I8, fol. 28.

³ For Washington's October 30 letter, see *JCC*, 23:711n.2; PCC, item 152, 11:17–20; and Washington, *Writings* (Fitzpatrick), 25:307–8.

⁴ William Carmichael's July 8 letter to Robert R. Livingston and Henry Laurens' September 5 letter to Congress, described in the following paragraph, were also read this day, for which see PCC, item 88, fols. 241–44, item 89, fols. 233–36, item 185, 3:47; and Wharton, *Diplomatic Correspondence*, 5:600–602, 693–95.

Daniel Carroll to Thomas Sim Lee

Dear sir,

Pha 5th Novr 1782

I have apply'd to Way again, and can obtain nothing but promises from him, which I am very sorry for as I am afraid Mrs Lee will be disappointed. I will try him again.¹

We remain without any official intelligence respecting the Negotiations—or any other matter of Consequence. The British fleet consisting of 14 of the line & some frigates saild from New York the 26 Octo., it is said without Troops; some private letters say with 5 thousand.

I hope to present my Comps to yr Lady & to all enquiring friends.

I am, Dr. Sr with great regard & esteem, Yr. Affte & Obt Sevt,
Danl. Carroll

RC (MdHi: Lee, Horsey, and Carroll Papers deposit, 1988).

¹ Carroll had also written the following comments on this subject to Lee on October 28. "Way has wrote me that he will pay in a few days. The Intendant has wrote to me that he could not assist me with any part of the Balla[nce] due me for the last year. Notwithstanding I have Practiced the strictest frugality I find myself in a very disagreeable situation." Lee, Horsey, and Carroll Papers deposit, MdHi.

And he wrote the following brief note to Lee on November 12. "Genl. Williams deliverd yr favor with the money from Mrs. Digges. Way has promised to pay this week. I hope he will comply that I may have it in my Power to procure what you directed." Ibid.

David Howell to Nicholas Brown

Dear Sir

Philadelphia 5 Nov. 1782

This day Congress have been deliberating on the affairs of Vermont. Their claims, as well as the claims of other States were stated. The History of the cause traced. The minds of the present Members of Congress sufficiently discovered. The Delegates for New York urged a decision on the main question through expectation that it would be determined in the negative by a decided Majority.¹

It is agreed that 9 States are necessary to recognize their Independance—That number could not be obtained at present. I therefore moved & was seconded by Col. Dyer to postpone the main question to make room for the following resolve, Viz.

"That the PRELIMINARY required of the people of Vermont by a resolve of Aug. 1781 as indispensably necessary to a recognition of their Independance has been complied with on their part."

Seven States were sufficient to decide upon this proposition: and this being once decided in the affirmative, their Independance would necessarily follow. On the Question to postpone a Division was called for & it was postponed generally & congress adjourned.²

I expect the Subject will be introduced again tomorrow, but with a view to obtain a vote against Vermont. Such is the present trim of the

House that it is not safe to risque a vote on the main question. All that can be done Dr Arnold & myself are doing in perfect Harmony with each other.

The Subject of back-lands is taken up in earnest. The cession of New York is accepted; more will soon be done. We have now seven States in our Intrest. Had my former Colleague³ voted with me last Summer this business would have been in great forwardness.

Agreeably to your request in your last I have given you a short view of the argument in favour of the U. States in the case of the back-lands. More may be said hereafter.

I pray you to present my regards to all Friends. The time will seem long 'till I return.

I hope to hear soon of the doings of the general Assembly in regard to the Impost; I can not doubt but the measure will be reprobated by a considerable Majority.

With sincere regard, I am yours, &c David Howell.

RC (RPJCB: Brown Papers).

¹ See Ezra L'Hommedieu to George Clinton, this date.

² See JCC, 23:714.

³ That is, Ezekiel Cornell.

David Howell to Nathanael Greene

Sir, Philadelphia 5 Nov. 1782.

A letter was read yesterday in Congress from Mr. H. Laurens.¹ He expects to return to England & take passage in the Nov. Packet for New York; should he tarry the winter in England thro' unavoidable casualties, he may be expected in the Spring. This mode of return to America, it seems, was demanded of the British as matter of right & not solicited as a favour. He has Dr. Franklin's concurrence in the measure. No news.

Yesterday, being the first day of the Congressional year, the Election of a President came on. On counting the Ballots, His Excellency Elias Boudinott Esquire, was declared duly elected.

"The 5 per Cent Impost is at present much the Subject of conversation in our government. The opposition gains ground, and will finally by a very great majority carry their point." The above is an extract of a letter recd from Home per last Post.

I wish to be favoured with your opinion on the particulars in my late Letter to you the rather on account of the above intelligence.²

You must have been informed particularly of the cessions of territorial claims heretofore made by Connecticut, New York & Virginia. Congress lately accepted that of New York; The others will also be accepted when they shall be disencumbered of certain conditions, of

which event there is ground to hope from the liberal Sentiments expressed by the Delegates of sd States.

The Western territory only to Lat[itu]de 45 ceded to the U. States would be an important Fund for restoring public credit in the opinion of many.

I have the pleasure to enclose you a Letter recd by last Post enclosed in a Letter to me.³ I do it with the greater satisfaction well knowing by recent experience how agreeable it is to hear frequently from those we esteeme.

Had I known of the present opportunity sooner I should have troubled you with more of my bad writing. I must instantly close my Letter or lose its conveyance.

I pray you to remember me kindly to any of my acquaintance at your present quarter, And to believe me to be with Sentiments of esteeme, Dear Sir, your obedient humble Servant.

David Howell.

RC (NjP: DeCoppet Collection).

¹ See James Madison's Notes of Debates, November 4, note 4.

² See Howell to Greene, October 18, 1782.

³ Not identified.

Ezra L'Hommedieu to John Tayler

Dear Sir,

Philadelphia Novb. [5]¹ 1782

Yesterday I was favoured with your Letter of the 20th of last month, which was about a week after Genll. Gansevolt left Town: as he called on us, & brought me Letters I conclude he had forgot or mislaid this, otherwise I should not have omitted writing to you by so direct an opportunity. I am pleased with the Excuse you make for not writing; you were sure that no objection could be made to it by a Person labouring under the same Infirmary and perhaps not so likely to form Resolutions of Amendment as Those who had been lately tormented with so disagreeable a Companion.

I am glad to hear you have made so great progress in the purchase of Certificates and that Mr Smith has sent you a Sum in order to make the Deposit for the confiscated Lands. I have Purchased Certificates of Platt & Smith sufficient for the Payment of the Part I agreed to take in those Lands which will be ready at any Time they are called for. Colo Floyd lately informed me by Letter from Poughkipsie that he proposed going to Albany before he came here: I hope I shall see him either at this Place or on the Road when I return, which will be soon, as my Fina[n]ces begin to run very low and the Allowance of the State is not sufficient for my support: least I should not see Colo Floyd you would oblige me by informing what you have agreed on respecting

Lands, which you can do by Letter directed to the Care of Governor Clinton, which I shall receive on my Return. I am not surprised to hear that the public Creditors in the state are greatly alarmed lest the public Debts should not be discharged, and am glad to find that the Clamors of the public Creditors on that account are so general in the Different States as they appear to be; as it is not for want of Ability, but Inclination, that Funds are not established for the Payment of the Interest of Moneys loaned & liquidated Debts which would give general Satisfaction to the Creditors of the Public. 1,200,000 Dollars is quotaed on the Different States for this Purpose, viz, for the payment of Interest due in the year 1782, and each State is Authorized to pay its Quota towards the Interest of Money loaned within the State. It is to be hoped that the Influence of public Creditors in each State will be sufficient to inforce this Act. This was the only resource we had that could be agreed on. No more bills could be drawn on France for the purpose of paying Interest, and our little Sister Rhoad Island hitherto has and probably still will prevent the United States from being benefitted by the proposed five Per Cent Act. Congress are anxious for securing the Public Creditors but what can be done without the Aid of the Several States. The Cession of New York has lately been accepted by the United States, and it is proposed that a Valuable Fund for Discharging Debts & payment of interest may be made from these Lands. This Plan is very popular here & further Southward: I beleive large Tracts might be sold to good advantage for certificates.

The Loan that is opened in Holland has hitherto been as successful as could be expected; it is not from Government but Individuals, but it cannot be expected it will continue long except permanent funds are established for the punctual discharge of the Interest. I trust our Necessities will compel us to such a Measure before long. The Loan in Holland is as favorable as any Loans in Europe. The Expence of negotiating is about four Per Cent & the Interest about 5 Per Cent. None of this money can be applied towards paying Interest or paying Debts except to the Army & for their support. When we shall have Peace God only knows. The Prospect of such an Event has been very great, but the Change of the british Ministry & the Success of their Fleet in the West Indies seems to have put the Period of the War at a greater Distance than was expected; it is not however improbable but a Peace may take Place during the Course of the ensuing Winter, but as this may depend on [the] Temper of the British Parliament, the Influence of the minister & the Events of War, it is hardly safe to hazard a Conjecture—at all events, we ought to be prepared for the worst.

It is doubted by many whether Chares Town will be evacuated soon notwithstanding every Preparation seems to have been made by the Enemy for that purpose. It is truly distressing that our state has so long been deprived of a Sea Port but I think no argument can be

drawn from the Enemies keeping Possession of New York. The war will be longer continued than if they had evacuated it this fall; for had they withdrawn their Troops it must have been with Design to have operated against our Ally more to their Advantage than by keeping their present Station.

You have no doubt heard that the old Contra[c]t for supplying the army is at an End & that Colo Wardsworth & Charter have taken it till the End of the Year:² they have made a good Bargain, necessity compelled it. The States not paying the Taxes as was expected made a Credit necessary. Yesterday a New President was chosen for the ensuing Year, Mr. Botenot of New Jersey, a Gentleman who no doubt will fill the Chair with Reputation. The Inclosed Papers contain all the Public News we have. With respectful Compliments to Mrs. Taylor, I am Your Affectionate Friend,

Ezra L'Hommedieu

RC (N: Miscellaneous Manuscripts). Addressed: "John Taylor Esquire, Albany."

¹ Although he left the date blank, L'Hommedieu apparently wrote this letter on the 5th, as he reported in the concluding paragraph that "Yesterday a New President was chosen," an event of November 4.

² See L'Hommedieu to Abraham Yates, October 28, 1782, note 4.

James Madison's Notes of Debates

Tuesday Novr. 5 [1782].

A Resolution passed authorising Genl Washington to obtain the exchange of 2 foreign officers notwithstanding the Resoln. of the 16 of Ocr. declaring that Congress will go into no partial exchanges until a general Cartel be settled *on national* principles.¹ This measure passed without due consideration by the votes of N. H., R. I., Cont., Del., Maryland, N. C. & S. C. On the motion of Mr. Osgood it was reconsidered, in order to refer the case to the Secy. of War & Genl Washington to take order. By Mr. M——² opposition was made agst. any partial exchange in the face of the solemn declaration passed on the 16 Ocr. as highly dishonorable to Congress, especially as that declaration was made in order to compel the enemy to a national convention with the U. S. All exchanges had been previously made on the part of the former by the Military authority of their Generals. After the letter of Genl. Carlton & Admiral Digby notifying the purpose of the British King to acknowledge our Independence, it was thought expedient by Congress to assume a higher tone. It was supposed also at the time of changing this mode that it would be a test of the Enemy's sincerity with regard to Independence. As the trial had been made & the British Commander either from a want of power or of will had declined treating of a Cartel on national ground, it would be peculiarly preposterous & pusilanimous in Congress to return to the

former mode. An adjournment suspended the vote on the question for referring the case to the Secy. & Genl. to take order.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:236–37.

¹ For the proposed exchange of captains Jacob Schreiber and Jacques Marie Blaise, chevalier de Segond, and the repeal of this authorization the following day, see *JCC*, 23:712, 714, 715; and Madison, *Papers* (Hutchinson), 5:237n.1.

² That is, Madison.

James Madison to Edmund Pendleton

Dear Sir

Philada. Novr. 4 [*i.e.* 5]. 1782.

In consequence of your letter of 28th. Ult recd. by yesterdays mail,¹ notifying your intended visit to the Courts at Richmond I shall address this to that place, and continue so to do until otherwise instructed. Mr. Jones has once more got abroad, and will resume his alternate pen next week, although it should happen otherwise it will be best for you to observe the rotation last settled in your address.

We abound in reports from Europe but are wholly destitute of certain intelligence, other than is contained in the Newspapers. The accidental loss of the Royal George has at length been announ[c]ed circumstancially from N. York, and may be critically felt in the expedition of Admiral How[e] in favor of Gibraltar. A letter from Mr. Carmichael of the 8th July as well as more recent advices tell us that the preparations against this Garrison transcend all example and almost all conception. The effect of them is probably decided ere this and will soon be known to us. Mr. C. says he had discovered that the Mediation of the two Imperial Courts had been renewed by their Ministers to that of Madrid and that he suspected England to be at the bottom of it; but the silence of later letters from other sources as to this point leaves it rather improbable.

We are informed by a letter from Genl Washington of the 30th. Ult. that the army is going into its winter cantonments, that a part of the B. fleet composed of 14 Ships of the line 1 of 40 guns & 7 frigates with 14 transports sailed from N. York on the 26th supposed to be going to the W. Indies & to have no troops on board; and that he has been informed that immediately on the arrival of the last packet two vessels were dispatched for Charlestown.

Yesterday being the anniversary for the choice of a President, Mr. Boudinot of N. Jersey was placed in the chair for the ensuing year. The principle of rotation, altho' in no instance less proper, is applied with great firmness to the one in question by the States which have not yet filled the chair of Congress or which least expect a turn on any other principle.

The territorial cessions have again been a subject of deliberation in

Congress and that of N. York separately accepted. The conditions annexed to those of Connecticut & Virginia will probably be sent down for amendment. The policy on foot with respect to this business is explained pretty fully in my letter of this date to Mr. Randolph, and in cypher. You will permit me therefore to refer you to that source for further information. The same letter with the preceding one will also answer your enquiries concerning Lippencut & Asgill.

With the sincerest regard I am Dr Sir yr Friend & obt servt

J. Madison Jr

RC (NN). Reprinted from Madison, *Papers* (Hutchinson), 5:240–41.

¹ *Ibid.*, p. 220.

James Madison to Edmund Randolph

My dear Sir

Philada. Novr. 5th. 1782

My last informed you that a proposition had been made in Congress for accepting the territorial Cession of N. York. The paper inclosed contains the proceedings which ensued. The acceptance of this Cession *singly* met with a negative from Virginia for obvious reasons. In the first place such a measure, instead of terminating all controversy as to the western Country, the object proposed by the original plan, introduces new perplexities. And in the 2d place, an assent from us might be hereafter pleaded as a voluntary acceptance of the U. States in the room of N. York, as litigants against Virginia.

On the subsequent motion you will find Virga. divided.¹ The proviso expressed in this motion if referred to the territory retained by N. York appeared to me to be at least nugatory, or rather to imply that a Resolution of Congress might operate towards depriving another State of the benefits of the Confederation; and if referred to the territory ceded by N. Y. to imply that the 9th Art. was the constitutional rule of deciding controversies as well where the U. S. as where a particular state were the party. All that Congress could, as I supposed, have properly done, would have been to guard against any bias on future decisions by declaring that their acceptance of the Cession of N. Y. was not to be considered as expressing any opinion as to the rightful claims or limits of that State. But I did not feel myself at liberty to substitute such a proposition because it militated against the guarantee required by Virga. and would have prejudged that condition of her Cession.

The success of {the middle states}² in obtaining the Cession of N. Y. has given great encouragement; and they are pursuing steadily the means of availing themselves of the other titles. That of Connecticut is proposed for the next object. Virginia will be postponed for the last. By {inlisting the two preceding} into {their party} they hope to render their measures more effectual with respect to the last}.

Besides the effect which may be expected from this {coalition with New York} on {territorial questions in Congress}, it will I surmise prove very {unfriendly to the pretensions of Vermont. Duane} seems not un{apprized of the} advantage which {New York has gained} and is already {takeing measures for a speedy vote on that question}.³ Upon the {whole New York has either} by {a fortunate} coincidence of circumstances, {or by skilful management or by both} succeeded {in a very important object: by ceding a claim which was tenable} neither {by force nor by law she has} acquired {with Congress the merit of liberality} rendered the {title to her reservation more respectable and} at least damp{t} {the zeal with which Vermont has been abetted}. If you should be {surprized that} these considerations did not {dissuade Connecticut from an unqualified acceptance of the cession of New York} you will only be {affected} as others {were at the time}. The truth is, {they were surprized at it themselves after it was too late and} would gladly {have revoked their error}.

You were also informed in my last of the situation in wch. the affair of Lippencut remained. In the midst of our {perplexities} a letter arrived from Gel. Washington inclosing an intercession from the Count de Vergennes in favor of the life of young Asgill, founded on a most pathetic and importunate Memorial from his Mother. The Ct. writes to Gel. Washington, as he says not in the quality of a public Minister, but of a man who feels the force of Mrs. Asgill's supplications. He backs his intercession however, with the desire of the King & Queen who were much affected with the Memorial, observes that, altho' Asgill is no doubt a prisoner to the U. States, yet as he became such by an event to which the arms of his Majesty contributed, the interest he takes in behalf of this officer, is the more admissible, & signifies that if the British Commander should not in this instance fully comply with the demands of Justice there is reason to believe that future instances of barbarity will be prevented.

The judgment {formed of} this {intercession by} different {members is very different}. All {indeed agree that} retaliation {cannot be executed in the face of it. But some} are of {opinion} that {it} luckily {affords and ought to be made the ground of re}treat {from that measure; while others suppose} that {our honour will be more wounded by such a public mark} both {of our obsequiousness to France and of her disapprobation of our views than by a retreat of ourselves on the ground of} Carlton's {promise to continue his pursuit of the} murderer. {Some think also that an omission in our act of the wish} expressed {on the part of the King & Queen of France} may {give umbrage. Others again} infer from the circumstances {of the letter from the Count being} addressed to {General Washington not to Congress and in his private not official quality} that a {public notice of it cannot be expected and} that {a private} explanation {by the secre-

tary of} foreign affairs {to the Minister of France will be as much as will be proper}.

The {Minister also} received {an instruction to interest himself in the affair and had even} prepared {a memorial to Congress relative to it}. Having {discovered however the diversity of} sentiments {prevailing in Congress and being apprehensive} that {his interposition} might render {the case more perplexing and} possibly {be not treated with due notice in the final act of Congress, he has very prudently desisted from his purpose}.

Untill Congress shall have come to some decision with respect to the notice to be taken of {the intercession above mentioned} I would not wish it to be *generally* spoken of from this letter.

Yesterday being the 1st Monday in Novr. The vacant chair was filled by Mr. Boudinot. The distribution of the votes was as follows, for Mr. B. {New Hampshire, Rhode Island, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland}, for Mr. {Bland Virginia, South Carolina}, for Mr. {Rutledge} N. C.,⁴ (for Mr. {Nash, New York}. Massachusetts had no Delegate present but Mr. Osgood. Georgia was wholly unrepresented. As you were present at the last election I need not recite to you the motives to the one in question.

A letter from Carmichael dated 8 July, says that the Resolutions of Congress & the States against separate negotiations with the new British Ministry were exceedingly applauded at the Spanish Court; and that he had discovered that the Imperial & Russian Ministers had renewed an offer of the Mediation of their Courts to Spain. The silence of our other Ministers in letters of later date renders the latter article very doubtful.

A letter of the 5th of Sepr. from Mr. Laurens at Nantz repeats his purpose to return to America; adding that the risk of capture & the advice of his friends had led him to apply to the Court of London for a passport via Falmouth & N. York, to Philada., that Ld. Cornwallis had interested himself in his case, and that the passport was to be transmitted to him. It was uncertain whether he was to embark t[his] fall, or wait till the spring. {Unless the} embarkation {from a British port was more necessary than I am aware} a {direct passport from France} would {in my view have been more eligible}.

The army we are informed by a letter from Gel Washington of the 30th Ult. are going into their winter cantonments. Part of the British fleet, consisting of 14 Ships of the line, 1 of 40 guns, 7 frigates & 14 transports sailed from N. York on the 26th supposed to be bound to the W Indies, and to have no troops [on] board. Two vessels were despatched it is said for Charlestown immediately after the arrival of the last packet, for the purpose of countermanding the evacuation.

Mr. Jones has recovered rapidly within a few days past & has once more got about.

Your favor of the 26th past was duly received yesterday.⁵ I am anx-

ious for the new Cypher which it promises as well for my own use as yours; and for the same reasons. I conclude from your silence as to my late communications in L——ls Cypher that the key I sent you some time ago answered its purpose.⁶

RC (DLC: Madison Papers). In Madison's hand, though not signed. Madison, *Papers* (Hutchinson), 5:242–45.

¹ On Madison's division with Theodorick Bland, his fellow Virginia delegate, over Hugh Williamson's October 30 motion, see *ibid.*, p. 247n.6 and 7; and *JCC*, 23:695–96.

² Words printed in braces in this text were written by Madison in the official Virginia cipher.

³ For Duane's disappointment this day over the action taken by Congress on the Vermont issue, see David Howell to Nicholas Brown, this date.

⁴ The "N.C." was interlineated by Randolph.

⁵ See Madison, *Papers* (Hutchinson), 5:217–18.

⁶ That is, in his letters to Randolph of October 15 (partially in cipher), and August 27, 1782 (in which he had enclosed a key for the Lovell cipher).

Samuel Osgood to John Lowell

Dear Sir.

Philadelphia Novr. 6th [*i.e.* 5th] 1782¹

I had the Pleasure of receiving your Favor of the 24th Octor. by the Post. I am uncertain whether I shall congratulate myself or not upon the Information you give me with Respect to the New Choice of Delegates. Whether any one of them will come forward, you do not inform me; & I apprehend for a very good Reason, which is, that you could not know whether they would accept or not. I feel mortified to be alone, because it is the first Instance in which the State has not been represented. But it is a Time when no material Injury can befall the State—because the Business before Congress has not been very important. We have been considering this Day, the Report of the Committee of the 17th of April last respecting Vermont—after considerable Debate; some hard Words &ca &ca. We have postponed the Matter without Day—& I am very glad of it, because I am sure that no Vote could be obtain'd, which would satisfy any Party.

I am led to doubt of the real Policy of Masstts. in resolving that if Congress would make Vermont independent, they should have no Objection, or something to that Purpose. I am rather in Opinion, that an Instruction to the Delegates to favor their Independence would have been more eligible. If they should not finally be independent, I fear that Vote will be construed against the State—tho I am convinced the State has an unquestionable Right to a very considerable Part of that Country. And, my good Friend, whatever others may think, I am convinced that it will be good Policy in the State to extend its Views of Soil & Jurisdiction as far as possible—for a very Plain Reason, that as the State has undoubtedly supported a very great & unequal Share of the War, unless she can have her Accounts fairly adjusted, she must

make the best of her Territory that she can. It is said that Massachusetts has made no Cession of western Lands. I am glad they have not—for a Number of the States think those Lands of immense Value—we can therefore more easily make our Relinquishment of Right & Claim, a sine qua non of the Adjustment of our Accounts. And if we cannot have our Accounts properly adjusted for the Sake of Massachusetts' Posterity, let us not tamely give up one other Just prerogative & privilege of the State. When the Cession of New York was accepted, the Yeas & Nays were called; you will find me against it.² I leave it to you to Judge whether I did not do Right. I am Satisfied at present that I did. Indeed the Voice of one Delegate of Massachusetts in Favor of it, might have been quoted in future as an Evidence that the State had no Views of Claim or Right there. So I fear the Vote respecting Vermont will be.

We have no News here later than I see in your Papers excepting what is in the Papers here also.

Yesterday I was attending the New Election at the Bank; whilst there Mr. Boudinot was the first attempt made President. I am told a Letter was also read from Mr. Laurens (I have not seen it) intimating that he has Views of returning to England—to take Passage to New York and save the Risque of being again captured. It was mentioned as a Letter wanting Explanation. I think if he goes to England again, that Measure will be rather extraordinary. The Motives for human Volition are often inscrutable & sometimes desultory & volatile—perhaps the last may be applicable to Mr. L——s.³

Our mutual Friend the General has lately been at Camp.⁴ The Genl had wrote him that he wish'd to see him soon. I think our good Friend did much good in that Visit. The Army were very uneasy about the Arrangement which is to take Place on the 1st of Jany. next—And I believe the General rather began to doubt the Policy of it. But the Secretary persevered & I think all will work well. I think the General is Satisfied as to its Expediency—and the General and the Secretary at War co-operating, Congress will be able to carry thro' the economical Arrangements which they have adopted. We are greatly indebted to our Secretary's unremitting Industry in the War Office. His reputation with the Army is an additional Advantage. After his return from Camp he stated to Congress the Greivances of the Army, exclusive of the Greivance of Pay. He mentioned that the Officers in General wish'd to have the Matter of half Pay referr'd to the States—his Letter was committed to Colo. Bland, Mr. Carroll & Mr. Boudinot—who I am informed have unanimously agreed to Report in Favor of referring the same to the States.⁵ And to gratify the Army in every other Thing mentioned in the Secretary's Letter which is in the Power of Congress to do.

I am, Dear Sir, very sincerely yours,

Saml. Osgood

RC (DLC: Osgood Papers).

¹ Although Osgood dated this letter "Novr. 6," he probably wrote it on November 5, the date the action on Vermont reported in the first paragraph as happening "this Day" was recorded in the journals. Moreover, Osgood subsequently reports that the November 4 election of Elias Boudinot as president had occurred "Yesterday." See *JCC*, 23:708, 713–14.

² Osgood's negative vote was recorded in the journals, but because Massachusetts did not have two delegates in attendance the vote was not tallied. *JCC*, 23:694.

³ For Henry Laurens' September 5 letter, see James Madison's Notes of Debates, November 4, note 4.

⁴ That is, Maj. Gen. Benjamin Lincoln, secretary at war.

⁵ For the disposition of Lincoln's October 30 letter reporting "the Officers sentiments on the present situation of the army," see Madison to Edmund Randolph, October 29, note 3.

Virginia Delegates to Benjamin Harrison

S'r, Philadelphia Novr. 5th 1782.

We have been honord with your Excell'ys of the 26th of Ocr. by this post.¹ Congress have been informed by the Comm'r in Chief that the Army are gone into Winter Cantonments, the main body Hutting in the Vicinage of New Burgh on the North River (where head Quarters are fixd for the Winter;) by the same letter we are informed that 14 British ships of the Line, one 40, and Seven frigates with fourteen transports Saild on the 26th Ulto. from N. York (supposed for the W. Indies no mention is made of any troops being embarqued with them) and also that on the arrival of the last Packet two Vessels were Immediately dispatched to Chas. Town; of the evacuation of which place we have yet received no Authentic intelligen[ce] and indeed it remains a doubt (rather increased by the dispatching the two Vessels above mentioned) whether this measure will take place, Since the late Change in the Ministry. We are told by a letter from Mr. Carmichael that the firmness of the Answers of the States to the Overtures of the British Court (through S'r Guy Careleton and admiral Digby) has had a very good effect, and has even met with the personal applause of the King of Spain, and that the the Opinion of the foreign Ministers at that Court is that the Wisest thing Great Britain can do is to Conclude a treaty acknowledging the Independence of America. It is also said the Imperial and Russian Ministers have recd. fresh orders to offer the mediation of those two Courts, but this is unconfirmed Conjecture. We do ourselves the Honor to Enclose for Yr. Excell'y the Vote of Congress for accepting the Cession of N. York. Elias Boudinot Esqr. of N Jersey was Yesterday elected our President for the Ensuing year. We have the honor to be with perfect Esteem Yr. Excell'y's most obedt. Se'ts,²

J. Madison Jr.

Theo'k Bland Jr.

Reprinted from Burnett, *Letters*, 6:532, "Copied from the original, then in the possession of Mr. Stan.V. Henkels of Philadelphia."

¹ Not found.

² In their brief weekly letter of November 12, Bland and Madison acknowledged Harrison's letter of the 2d and reported that "Since our last nothing of Mater[ial] Consequence has happend, nor has any news of Importance arrived from Europe that is well Authenticated. The Enclosed News Paper contains all the Intelligence of every kind." *Brian Riba Auctions*, July 13, 1991, item 177.

Elias Boudinot to Hannah Boudinot

My dearest Love,

Philadelphia Novr. 6th. 1782

I have wrote you in the hurry & Confusion of the Times, twice since Monday Morning. I therefore need not repeat the important Transactions of that Day. Suffice it to say, that every day will appear a Week till you arrive here. The Office I now fill—your Friends—the Season of the Year—and what, I hope will have its weight, your affectionate Husband—all—all require You to make no delay. I am conscious this is a heavy Task, and how you are to execute it, I know not. God only knows, who can & will help you. In the first Place you must plan the state of your Family during the winter. I think it will be absolutely necessary, for Mr. Remsen to stay in the Office if possible. As to Dickey I scarcely know what is best, but on the whole I think he had best be with his uncle Elisha, as I fear this Town would be ruinous to his Studies—however this must be the Subject of Consideration. Phillis if not Lena too must be brought along, or if Prince can wait on Tea Table perhaps he might do instead of Lena. Every Thing must be sold that you can spare. If you make a Vendue (which I hope will not be necessary) you must give 6 Months Credit for the unsaleable articles, provided Security is given, otherwise the money to be paid down. I mean to keep the small Steers & the youngest Colt. Give directions to Baird to saw the Logs, into weather Boards—Inch Boards and a few Plank & Joice, as the Timber will Suit—and Josey must hale¹ them as fast as Sawed. Josey must get as many more Logs in the winter as he can—and must go to School as often as possible. I wish Mr. Pintard could manage it so as to go into the House. You must bring your Plate, best Linnen—particular conveniences & Family Books with you—dont forget the political Essays & four Volumes of Treaties. I shall want all my Books of Acct—my Will &c. You must muster all the money you can. There is a Bond from a Man in Mendum assigned to me by Mr Conklin, try to get as much on it as possible—and also call on both of the Mr. Conklins who owe for the Plantations and get what you can of them. You must put the Care of my Swamp Lands near home, into the Hands of Mr Southerd, and those over by Long Hill to Mr Ludlow— and Mr Sayres will take Care of those near him. As to your coming here, my present Plan is for you to load the Waggon which Josey will drive and you & Sukey to come to Prince-

ton in the Chair escorted by one of your Gallants—where I will send the Coach or perhaps a Phaeton to transport you to the most welcome Place you will meet with in this World, I mean the Arms & Heart of your affectionate Husband. I must know the Day when you will be at Princeton, which I hope will not be far off. Bring with you my black Suit of Cloaths & my Winter Cloathes. I wish already for an under Jackett. I have got an elegant Marseilles Quilt for Susan at £4.10. I have also a dozen pair of Coarse worsted Stockings for Servants. If it will be necessary to buy Blanketts for the Negroes, will get them ready to send by the Waggon. You must prevail on Elisha to pay a most particular attention to my Business, or I shall be totally ruined. I think you had best sell some of the Hogs—sell all the unnecessary Utensils about the House. If you can get the 5 half Joes I gave for the Sulkey (Cash in hand) you may also sell that. Susan had better bring her Saddle & Netting for her Horse, if it can be done with Ease.

I would not advise the selling the Hay till spring. If Mr Pintard should so contrive it, as to live in the House this winter, there will be no need of leaving any Horse there if you can get rid of them all—I sell them all, unless Susan would choose to keep the Mare here.

I am distressed for a body Servant, that I can put Confidence in. I shall have none but entire strangers round me, unless you can get one with you—and it will be necessary to have one to ride behind the Coach.

What would Mr. P. say to coming & staying at Mr Risk's this winter—if he wont—why not go into the House at Elizabeth Town in the Spring and get the Garden in Order.

I have recd a Letter from Elias, who informs me he is in want of Cloaths, and that his Grandfather refuses to find him any. I beg you will try to see Mr Van Norder and have this matter, explicitey settled. I promised to pay for his Schooling, Books &ca and Board for a Year to see what chance he stood of applying himself, but his Grand Father was to find him Cloaths. If this is refused I shall send him back again. I can give him some of my old Cloaths that may help out, but I will not have the Care of his Cloathing on my Shoulders. I must beg you to make Memoranda's in writing of every of your transactions, particularly, the reciept & Payment of all Monies and of all Bargains & Agreements you may make. If Mr Remsen is with you, he must make out an Extract of the Supreme Court Business and endeavour to come down here on Monday next at farthest, that I may give him proper directions. If he is not with you Dickey must do it as well as he can. The Register and the necessary Accts. &c must be brought in order to assess the Damages in any of the Actions. An Extract also of the Suits in Chancery now depending. He must also call on Mr. Morton & know if Mr Lewis has settled the Costs in Chancery—if not the Execution must be issued without more delay. I offered to give up to him near one fourth of my part of the Costs & did accordingly mark them off in the register, but I do not mean this if anx Execution issues. I am willing to take good Security for my part.

I have so many Things to write, that I cant remember enough to set them down in order.

Give my kind Love to all our Friends & Neighbours who I expected to have had the Pleasure of enjoying this Winter but it seems I am not my own Man.

Love to Susan and the Family, Am My dearest Love, Yours most Affty,
Elias Boudinot

RC (NjP: Stimson Boudinot Collection).

¹ "To draw or pull along. . . . Now superseded in ordinary speech by haul." *OED*.

Elias Boudinot to Lewis Pintard

My dear Sir

Philadelphia Novr 6th. 1782

How vain are all earthly Expectations. I was pleasing myself with the hopes of soon seeing you & enjoying my Winter in Sociable Festivity with my Friends of the Ridge. You will undoubtedly, e'er you receive this, have been informed of my disappointment, and the improbability of my seeing you this twelve months to come, unless you visit me. So it is & so it must be. But this is not the worst of it, a great Share of Trouble will fall on your Shoulders, in helping off my heavy Baggage at the Ridge, and taking Care of what is left behind. On you I must depend. I know not what directions to give, nor what to advise to. I leave the whole to you & Hanny to do just as you please.

When I see Mr. Morris will know of him what you are to do, but I believe you must take a Trip here. I have not given him the Letter, nor Do I think it best for to say any Thing about your quitting when N York is evacuated. I believe there is but little danger of this Event.

My kind Love to Mrs. P., Johnny & Patty. I am quite tired of writing. Am with great Affection, My dear Sir, Yours sincerely,

E Boudinot

[P.S.] As to Contracts—the uncertainty of Payment at the End of the three months, makes it very dangerous for any Man who has not a great Sum of money to spare, to meddle with them. Beware of them—touch them not.

RC (PHi: Boudinot Papers).

David Howell to Moses Brown

Kind Friend,

Philadelphia Nov. 6 1782.

When I wrote you last I was under great oppression of Spirits, which I have suffered much by during the last Summer. My Sentiments on

some points being singular, in regard to the Impost, half-pay, &c. The business being entirely new—The Members of Congress generally unknown to me. My Colleague¹ opposed to me in important objects, added to other embarrassments too well known to be mentioned, I found it difficult at all times to possess myself in the manner I could have desired.

Since Dr. Arnolds arrival & the fine air of Octobr & Nov. I have been well in health & cheerful as usual. I doubt not the Assembly will have rejected the Impost before you will receive this. Half-pay is struck out of the estimate for 1783. The officers I expect will be referred to their several States for gratuities or impositions in lieu thereof.

Congress have accepted the cession of claims to Western Territory made by New York a few days ago, & those of Connecticut & Virginia will be accepted also when they shall have been disencumbered of certain exceptionable conditions. So that there is a good prospect of carrying the most material points I have been labouring after.

The Independance of Vermont is the only object that cannot be started. It meets with every opppsition you can imagine. You must have heard that the intended expeditions set on foot by this State against the Indians at Sandusky & Genesee are laid aside. I opposed them in Congress as believing that the Massacreing of the Moravian Indians² lead on to the outrages suffered by our Frontiers.

Your humanity will lead you to enquire about the facts of Asgill the intended victim to attone for the death of Huddy. His parents have written a most affecting letter to the French Court requesting their intercession in favour of their Son. Count De Vergennes in consequence of it has in his private capacity & not as Minister sent a Letter to Congress interceeding for the life of that unfortunate young officer. He mentions that the King & Queen of France are greatly affected at the expected fate of the victim—that they wished their feelings on the occasion to be known on this side of the water and that should it be consistent with the national honor of this Country his release would be a very grateful event to their Majesties. The Count adds that as Asgill is a Prisoner of York Town, he hopes it will be remembred on this occasion that the laurels of that day were acquired by the joint arms of France & America & that his Intercession may receive some weight from that Consideration.

Sir Guy Carleton had ordered a Court-martial on Leppincut, who acquitted him; these proceedings had been sent out to Genl. Washington & enclosed by him in a Letter to Congress. This Letter with all the paper in the case had been referred to a Committee which had made a report in the case & that report had been under consideration in Congress & warmly debated before the arrival of the Letter of Count De Vergennes.

The report of the Committee would have taken Asgills life, but it met with opposition. I moved to have that part of the report struck

out which would affect his life; I was seconded by Mr L'homedieu from N. York. A vote was taken & it was struck out, whereupon the report was recommitted. In this Stage the Intercession from the French Count found the business. The Counts Letter with that of Asgills parent to him are referred to the same Committee and they set this day on the business. I hope & *<expect>* [don't] doubt but their report will be such as to save the life of the Innocent.³ I believe, in some possible cases retaliation may be just; but I think the present after what has taken place would rather have the appearance of perpetuating the barbarities of war than of restraining them.

I see your Friends Pemberton, Wall, Benezet, &c. sometimes. I frequently attend the 6 O'Clock Evening meeting in Market Street.

I have enclosed you a fragment of a piece written by a disowned Quaker—the other part is not by me. In the enclosed News paper you will observe the noble Sentiments of President Dickinson in regard to *personal Liberty*.⁴ He is chosen a member of the Supreme Executive Council in this State; and it is expected will be chosen President of this State tomorrow; there is about to be a change of men & measure I am told in this State.

You will excuse bad writing thro' haste.

David Howell.

[P.S.] I [have bee]n to speak to Dr. Borden about the old house but [have] recd no answer.

RC (RH: Moses Brown Papers). Addressed: "Mr. Moses Brown, Providence."

¹ That is, Ezekiel Cornell.

² See Charles Thomson to William Moore, April 9, 1782.

³ For the final decision on November 7 to free Capt. Charles Asgill, see John Hanson to Washington, October 29, 1782, note.

⁴ The concluding paragraphs of Pres. John Dickinson's October 29 address to the Delaware Assembly, which was printed in this day's issue of the *Pennsylvania Journal*, contain the following "noble Sentiments."

"The laws require very considerable amendments to be made, for preventing substantial justice being defeated or delayed by unnecessary and injurious forms; for ascertaining with precision the statutes prior to the revolution that are to be regarded as parts of our jurisprudence; for securing the inestimable benefits of the writ of *Habeas Corpus*; and for fixing the trial by jury on such a solid basis, as will guard as much as possible against its being shaken by the dreadful efforts of party rage, if that blind and destructive power, from which we are now so happily free, should in times to come attempt to pull down the pillars of our courts, for supporting which the precious blood of our brave fellow citizens has been so nobly offered and liberally poured out. Regulations of this sort will be among the best inheritances we can leave to our posterity.

"Another amendment humanity compels me to propose: That persons manumitting healthy slaves, not advanced in years, should not be obliged to give security for their maintenance, and that slaves should not be sent upon sale, or otherwise, to places distant from their usual residence, by which means affectionate and near relations are cruelly separated from one another, and the remainder of their lives extremely embittered. The Legislatures of the several neighbouring states, moved by a deep sense of the divine favours to them in this contest for their own freedom, and by an enlightened commiseration, have lately passed laws for alleviating the afflictions of this helpless, and too often abused part of their fellow creatures. I entertain the warmest hopes, that the Legislature of this state will emulate the most generous and wise examples of this kind."

Ezra L'Hommedieu to George Clinton

S'r, Philadelphia Novr. 5 [*i.e.* 6], 1782.¹

In my last Letter to your Excellency² I inclosed a Copy of the Report of a Committee respecting the Hostilities which had taken Place in Cumberland County and which was to have been determined on last Wednesday; but the Report of the 17th of April tho often taken up has from Time to Time been postponed and is not yet determined on, and I believe never will be. Yesterday when the Question was ready to be put, The advocates for Vermont, who had brought in this Report and insisted that nothing could be done till the sence of Congress was taken on the Same, which they alledged, ought to as soon as possible, were now as anxious to have it postponed *sine Die*; and the Question being put, it was carried in the Affirmative. It is not unlikely that at first they supposed a great majority might be in favour of the Report refered to, but finding only Two or Three States inclining to Vote for it, they did not choose to have any Decision upon it. It is possible, from the beginning nothing more was intended by some, than such a Delay of the Business that nothing finally should be done. for my own Part I am not disappointed, it has ended as I had reason to fear of which I informed your Excellency. It is very evident that but three or four States will Vote for the Independence of Vermont and at the same time the Vote of Seven States cannot now be procured to say they shall not be received into the Federal Union. It is strange that even the Criminal Correspondence, with the Enemy of these People, the late violent Acts of Hostility and their Disobedience to the Orders of the United States, is made use of, by their Advocates, as arguments to shew the Necessity of recognizing their Independence. even the Name of an illustrious Carecter has been mentioned as having incorged those People, that their Independence would be granted by the United States. There can now be no Excuse for not determining what measures shall be taken for Preserving the Peace in that District of Country, and for restoring the unhappy sufferers to their Liberties and Estates. I should be very happy if something could be agreed on which would answer those Valuable Purposes. I hope something effectual will be done and that my fears in that respect are groundless. I think within Two or Three Days we shall know the Result. . . .

The Cession of our Western Territory, after much Debate, has been accepted by Seven States including New York.³ it is proposed by those Lands to establish a Fund for paying Interest of Moneys Loaned and public Debts; but whether the public Creditors will be satisfied with such security, is doubtful. . . .

Reprinted from Burnett, *Letters*, 6:531, from a document located in the New York State Library before the Albany fire of 1911.

¹ Although dated "Novr. 5," this letter was probably written on November 6, because

L'Hommedieu refers in the letter to the debate "yesterday" on Vermont, which is recorded in Secretary Thomson's journal entry for November 5. See *JCC*, 23:713–14.

² See L'Hommedieu to Clinton, October 23, note 1.

³ See James Duane to Clinton, October 30, 1782, note 1.

Phillips White to Meshech Weare

Sir.

Philadelphia Novr. 6th, 1782

I arrived here last Thursday noon, was detained by the way, two days on business, & three by rain. Congress is informed by Letter from Genl. Washington,¹ that the N. Hampshire line are to Winter near Westpoint (where the Army from Kings-Ferry have taken Winter Quarters) & that the Rhode-Isleland line supply their place. The Affair of Vermont is now before Congress, it does not appear likely that there will be a final determination on the matter at present. The Deligates from N. Hampshire wish to have particular Instructions respecting the same. Mr. Gilman informs me that he has wrote to your Honrs. on the subject.² I am with due Respect your Honours Humble Servt,

P. White

RC (PHi: Jenkins Old Congress Collection).

¹ See James Madison's Notes of Debates, November 4, note 3.

² See John Taylor Gilman to Weare, October 29, 1782.

James Madison's Notes of Debates

Thursday Novr. 7 [1782] ¹

On the reconsideration the Resol. for exchanging the 2 for. officers Its repeal was unanimously agreed to.²

A motion was made by Mr Osgood to assign an early day for filling up the vacancy in the Court of appeals.³ It was opposed on the principle of oeconomy, and the expedient suggested by Mr. Duane of empowering a single Judge to make a Court *untill the public finances would better bear the expence*. In favor of the motion it was argued 1. that the proceedings of the Court were too important to be confided to a single Judge. 2. that the decisions of a single judge would be less satisfactory in cases where a local connection of the judge subsisted with either of the parties. 3. that a single judge would be more apt by erroneous decisions to embroil the U. S. in disputes with foreign powers. 4. that if there were more than one Judge, & one formed a Court, there might at the same time be two interfering jurisdictions, and that if a remedy could be applied to this difficulty, the course of decisions would unavoidably be less uniform, & the provision of the confederation for a Court of universal appellant Jurisdiction so far contravened.

5. As there was little reason to expect that the public finances wd. during the war be more equal to the public burdens than at present, and as the cases within the cognizance of this Court would cease with the war, the qualification annexed to the expedient ought to have no effect. The motion was disagreed to & a committee which had been appointed to prepare a new ordinance for constituting the Court of Appeals, was filled up & instructed to make report.⁴ On the above motion an opinion was maintained by Mr. Rutledge that as the Court was according to the ordinance in force to consist of three Judges any two of whom to make a Court, unless three were in actual appointment the decisions of two were illegal.

Congress went into the consideration of the Report of the committee on the case of Capt Asgill the British officer allotted to suffer retaliation for the murder of Capt. Huddy. The report proposed "That considering the letter of the 29th of July last from the Count de Vergennes to Genl Washington interceding for Capt. Asgil, the Commander in chief be directed to set him at liberty."

Previous to the receipt of this letter from the Count de Vergennes Congress had been much divided as to the propriety of executing the retaliation, after the professions on the part of the British Commanders, of a desire to carry on the war on humane principles, and the promises of Sr. G. Carlton to pursue as effectually as possible the real authors of the murder: some supposing that these circumstances had so far changed the ground that Congress ought to recede from their denunciation; others supposing that as the condition of the menace had not been complied with, and the promises were manifestly evasive, a perseverance on the part of Congress was essential to their honor & that moreover it would probably compel the enemy to give up the notorious author of the confessed murder. After the receipt of the letter from the Count de Vergennes, Congress were unanimous for a relaxation. Two questions however arose on the report of the committee. The 1st was on what considerations the discharge of Capt. Asgill ought to be grounded. On this question a diversity of opinions existed. Some concurred with the committee in resting the measure entirely on the intercession of the French Court; alledging that this was the only plea that could apologize to the world for such a departure from the solemn declarations made both by Congress and the Commander in chief. Others were of opinion that this plea if publicly recited would mark an obsequiousness to the French Court, and an impeachment of the humanity of Congress, which greatly outweighed the circumstance urged in its favor; and that the disavowal of the outrage, by the British Genl., and a solemn promise to pursue the guilty authors of it, afforded the most honorable ground on which Congress could make their retreat; others again contended for an enumeration of all the reasons which led to the measure; lastly others were against a

recital of any reasons & for leaving the justification of the measure to such reasons as would occur of themselves. This last opinion after considerable discussions prevailed, and the Resol. left as it stands on the Journals. The 2d question was whether this release of Capt. Asgill should be followed by a demand on Gel Carlton to fulfil his engagement to pursue with all possible effect the authors of the Murder.

On one side it was urged that such a demand would be nugatory after the only Sanction which could enforce it had been relinquished; that it would not be consistent with the letter of the Count de Vergennes which solicited complete oblivion, and that it would manifest to the public a degree of confidence in British faith which was not felt and ought not to be affected.

On the opposite side it was said that after the confession & promise of justice by Gl Carlton, the least that could be done by Gel. Washington would be to claim a fulfilment; that the intercession of Ct. de Vergennes extended no farther than to prevent the execution of Capt. Asgill, and the substitution of any other innocent victim; and by no means was meant to shelter the guilty; that whatever blame might fall on Congress for seeming to confide in the promises of the enemy, they would be more blamed if they not only dismissed the purpose of retaliating on the innocent, but at the same time omitted to challenge a promised vengeance on the guilty; that if the challenge was not followed by a compliance on the part of the enemy, it would at least promulge & perpetuate, in justification of the past measures of Congress; the confessions & promises of the enemy on which the challenge was grounded; & would give weight to the charges both of barbarity & perfidy which had been so often brought agst. them.

In the vote on this question 6 States were in favor of the demand & the others either divided or against it.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:250–52.

¹ Immediately preceding this entry Madison wrote: "Wednesday Novr. 6th. no congress."

² See Madison's Notes, November 5, note 1.

³ Samuel Osgood's motion and the debate that ensued were not recorded in the journals for this day, but on December 5 Congress finally responded to the vacancy created in August 1780 by the death of Titus Hosmer as well as the November 15 resignation of newly-elected Maryland governor William Paca by appointing John Lowell and George Read to the Court of Appeals. See *JCC*, 23:746, 749, 765; PCC, item 186, fol. 1; Madison's Notes of Debates, December 5, note 1; and Elias Boudinot to George Read and to John Lowell, December 6 and 11, 1782, respectively.

⁴ For the reconstitution of this committee, to which Madison and John Rutledge had been added this day, see Madison, *Papers* (Hutchinson), 5:253n.10, 300–301.

⁵ For the final resolution of the Huddy-Asgill affair, see John Hanson to Washington, October 29, 1782, note.

Eliphalet Dyer to Jonathan Trumbull, Sr.

Sir,

Philadelphia, Novr 8th, 1782.

Your Excellcy's favor of the 26th Ultmo by Brown came safe to hand, with a most seasonable Relief of 2 hundred dollars.¹ I had receivd my New Appointment a few days before,² which must own I should have received with reluctance, had I not been oblided to tarry so long for the Trial of our Cause with Pensylvania as would have probably brot me to a very uncomfortable and dificult a season to have returned home, but now conclude to tarry through the Winter, as I suppose was the Intention of the Assembly in my appointment. Am very sorry our Delegates delay so long their coming, as the State must be unrepresented, perhaps for near a month, in a Critical Season & when they will be much wanted. Mr Huntington expects to set out on Saturday; he would tarry a few days longer, but as I must set out for Trenton on Monday, if he remained the State could not be represented, & which also must be the case if I should return in 8 or 10 days from Trenton, till the arrival of those Gentlemen who propose to come. We are unhappy in not keeping up a representation of the New England States, which has been the Occasion often of many things passing in Congress very disagreeable to them & Contrary to the Genius of the People there. New Hampshire is but just now represented for the whole time I have been here, but at the same time Massachusetts have lost theirs, & not like to be represented for some time; Rhodisland have been but part of the time. The Winter season is the time to rectefye mistakes, as well as to lay out plans for the Next season, but if the States will not take care of their representation, they must blame themselves.

Your Excellcy Supposes the Susqh. Company & those in possession ought to be Notified, & to be allowed a Voice in the choice of Judges; it is true they ought & will have when their right comes immediately into Question. The Agreement & Submission of the several Agents was first so drawn as to have the right of the Tenants in possession brot into question and decided at the same time with the general Claim & Jurisdiction of the Contending States; but Congress would not receive it in that form, as Confederation had provided specially for them, & they would be entituled to another hearing and probably other Judges after the rights of the States are determined, in which their particular case & Circumstances will be Considered: therefore not Notefyed in the present cause.

The Minister of France was much pleased with the Act of our Assembly you sent me, discovering the firmness & unanimity of our Assembly in declaring against a Seperate Peace & their strict adherence to the Alliance formed, &c.³ It carries great Weight in the Courts

of Europe When they find not only Congress, but the Assemblys of the respective States (which they think more fully demonstrates the sentiments of the people, their firmness & Union) concurring in a matter so Important & Interesting; the King of France, as we are Informed, when he had received Intelligence that not only Congress but several States in the Union had Declared (after overtures had been made to them for a Seperate Peace) their firm adherence to the Alliance, and not to concede to any seperate Peace but in concert with his most Christian Majesty agreeable thereto. He, the K——g. mentioned it with peculiar pleasure to the foreign Ministers & with a more audible Voice than common, that he might not fail to be heard.

As Mr Huntington will probably arrive as soon as this letter, & will be able to communicate every thing Needfull, I might have spared troubling your Excellency with much I have wrote already; have Inclosed a list of the proportions of the several States which I mentioned in my former letter, with my Observations thereon, tho after found I had omitted to Inclose it at that time. Mr Boudinot of the State of New Jersey, a Gentn of good Carracter, virtuous, & decent behavior, was elected President of Congress on Monday last for the Year ensuing; the choice was clear, no strift, as it is the prevailing Inclination of Congress, to proceed in course through the States when it can be done with propriety, Jersey having none before.

Am, with great Esteem & respect, Your Excells most Obedt, Hle Servt.
Elipht Dyer.

RC (Ct: Trumbull Papers). Endorsed: "8th Novr. 1782. Honble. Elipha. Dyer Esqr. de Sundry. recd 16th inst. per Mr Brown. NB. Benja. Huntington Esqr. returned with Mr Brown."

¹ Dyer had recently described his financial difficulties to Governor Trumbull in the following undated letter, which he probably wrote in mid-October.

"Am oblidged to let you know that my money is all Expended, & am considerably in Debt for my board. My having not recieved but Very little of my Debentures in the Sup' Court or of the Assembly for 2 years past had oblidgd me to Very Scant provision in Cloathing. I brot with me only just what I wore, & that not fit to wear when I got here, was under necessity of Cloathing my self with Decency, so as just to bring me thro summer I then expected to have been home early in the fall when I should not had occasion to have got more, but the cold season coming on oblidges me to provide for Winter Cloathing here. I had also the Misfortune to Lame one of my horses coming down, kept him a while in hopes he would recover but to no purpose & was oblidged to sell him for a Trifle and must purchase another to get home. These & a few other necessary expenditures not chargeable to the publick will about eat up all my Wages therefore can Neither stay here or return home without about as much more as I set out with. Indeed I cannot leave the City without Considerable, hope the money or bills will be forwarded to me by Brown without fail. Indeed if I could get my own money due on my debentures I could be content, but I have served the publick so long without recieving Wages that I cannot do it any longer and must have them to spend & support me with necessaries while in their Service." Trumbull Papers, Ct.

² Dyer had presented his new delegate credentials on November 4. *JCC*, 23:708.

³ See *Public Records of Connecticut*, 4:289–90.

James Madison's Notes of Debates

Friday Novr. 8. [1782]

The preceeding question having been taken again,¹ on a further discussion of the subject. There were in favor of the demand, N. H., R. I., N. Y., Pa., Del., Maryd., Virga. & of the other States some were divided.²

A motion was made by Mr. R. of S. C.

"That the Commander in chief & of the S. Department be respectively directed whenever the Enemy shall commit any act of cruelty or violence contrary to the laws & usage of war on the Citizens of these States to demand adequate satisfaction for the same, and in case such satisfaction shall not be immediately given, but refused or evaded under any pretext whatsoever, to cause suitable retaliation to be for[th]with made on British officers without wating for directions from Congress on the subject."

When this motion was first made it was espoused by many; with great warmth in particular by the Delegates of N. C. & S. C. as necessary to prevent the delays & uncertainties incident to a resort by the Military Commanders to Congress, and to convince the Enemy that notwithstanding the dismissal of Capt. Asgill the general purpose of retaliation was firmly retained.

Against the motion it was objected 1. that the time & place in which it stood would certainly convey an indirect reprehension to Genl. Washington for bringing before Congress the case of Capt. Asgill & Huddy. 2. that it manifested a distrust in Congress, which however well founded in [it] might be with respect to retaliation ought not to be proclaimed by themselves. 3. that political & national considerations might render the interference of the supreme authority expedient, of wch. the letter from Ct. de Vergennes in the late case furnished an instance; that the resort of the Military Commanders to the sovereign for direction in great and difficult cases, such as those of retaliation would often prove, was a right of which they ought not to be deprived; but in the exercise of which they ought rather to be countenanced. These objections reduced the patrons of the motion to the Delegates of N. C. & S C alone or nearly so. In place of it the declaratory motion on the Journals was substituted. This again was objected to as implying that in the cases of retaliation taken up by the Mily. commanders they had proceeded on doubtful authority. To remove this objection, the amendment was proposed, limiting the preamble to the single act of discharging Capt. Asgill. This however was not entirely satisfactory because that particular act could have no constructive influence on the reputed authority of the Generals. It was acceded to by the votes of several who were apprehensive that in case of rejecting it, the earnestness of some might obtrude a substitute less harmless, or that

the Resolution might pass without the preamble & be more offensive to the Commander in chief. The first apprehension was the prevailing motive with many to agree to the proposition on the final question.

This day a letter was rcd. from Gel Washington inclosing one of the 25 of Ocr. from Sr. G. Carlton relative to the demand made on him for a liquidation of accts. and payment of the balance due for maintenance of Prisoners of war; in which the latter used an asperity of language so much the reverse of his preceding correspondence that many regard it as portending a revival of the war against the U.S.³

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:254–55.

¹ See Madison's Notes, November 7.

² This vote and the subsequent motion made by John Rutledge ("Mr. R.") were not recorded in the journals.

³ For Washington's letter of November 1 enclosing a copy of Sir Guy Carleton's October 25 condemnation of congressional policy on prisoner of war exchange, see PCC, item 152, 11:21–28.

North Carolina Delegates to Alexander Martin

Dear Sir,

Philadelphia Nov. 9th. 1782.

The Resolutions of Congress of 3d October & 10th December 1781¹ have doubtless been forwarded to Government pressing the filling up the Continental Battalions by enlistments for three Years or during the war. Since the dates of the above requisitions Congress have been urged by the dictates of necessity & prudence to make reforms in every department where money could be saved. The Resolves of August 7th, 1782 were in consequence of that plan & are a part of the system.² It is clear that almost every Officer in the North Carolina Line would be deranged on the first of January in consequence of those resolves & yet you will find, when the Journals are handed You, that Mr. Blount & myself did not think fit to oppose the measure on general ground nor to marr the Journals by unavailing Yeas & Nays. We yielded to the Storm of Necessity. A measure which the general good of the army demanded, which had been recommended by the Commander in chief & had been digested in Congress was not to be rashly opposed by a State; to whom they would certainly reply, that we had [*been*] absolutely inattentive to the Requisitions of Congress, while other States, at a great expence, were filling up their Battalions by long inlistments. After two months when the business had subsided sufficiently we presumed that we might with out much opposition obtain relief for the State provided we could couch it under some colourable excuse. Accordingly October 9th 1782 "On motion of Mr. Williamson Seconded by Mr. Blount, That a Committee be appointed to consider whether the officers & Troops belonging to

the Line of some States in the Union may not be so affected by the Resolves of August 7th respecting the army as to injure the Public Service." The same was referred to Mr. Williamson, Mr. Montgomery & Mr. Bland.³ From what passed in Congress when the motion was made it was very clear that opposition would be made to every measure that might be attempted to give particular Indulgences, as they were called, to particular States. However as all that we desired was to obtain a Vote for keeping our Officers & Men on the establishment, You will observe the means by which we attempted it. The report was drawn up in Terms which could hardly give offence to any Body; and being Chairman of the Committee I gave it in as soon as a report Pre-vailed that the enemy were about to continue in Charlestown, for, by the way, it has always been questioned whether the enemy would evacuate that Post. Their plan at least appeared doubtful. The report of the Committee after some debate was referred to the Secretary at War to report. The Secretary reported that the general arrangement of the army could not be materially injured by adopting the measure we had proposed. Whence the report after a second debate was agreed to in Congress on the 4th Instant. It was in these words viz.⁴

Whereas it is represented that the State of North Carolina was Zealously pressed by the Commander in chief in the southern department at the last setting of the General assembly in May last to send immediate support to the army under his Command whose situation was critical & dangerous & that not being able with the necessary dispatch to raise a sufficient number of Troops for three Years or during the War they caused 1,500 Men to be immediately draughted for 18 Months &—Whereas the Southern States may be endangered while the enemy continue in that quarter by a sudden diminution of our Army—Resolved, That the Commander of the Southern army be instructed to retain in the public service so many of the 18 months drafts of the State of North Carolina as he shall think the Public safety may require and that a proportionable number of officers shall be continued in full pay for the Command of those Troops while they are in the field the resolution of the 7th of August notwithstanding, and then retire on the same principles or emoluments on which they would have retired had not the operation of the said Resolve been postponed.

Thus you see our Troops continue on the same footing they would have stood if no resolves on this subject had passed, i.e. If the General needs them he will keep them in the service & if a Period should happen when good Troops are not wanted they will be requested to march home & try to replace the numerous Soldiers & Citizens we have lost during the war by getting more.

The Mother of Captain Asgil on whom the Lot fell to be punish'd in retaliation for Captain Huddy, having Petitioned the French Court for the life of her Son, The Count Vergennes, has requested at the

intercession of the King & Queen of France that Captain Asgil be spared on the full persuasion that the enemy having disapproved & condemned the murder of Captain Huddy will not repeat such outrages, Congress on so respectable a request have discharged Capt. Asgil & beside requiring that Sir. G. Carlton shall, as he has promised make further attempts to discover & punish the murderers of Captain Huddy, they have given a General Instruction that the Commander Officers of our several armies whenever any outrages are committed by the enemy contrary to the Laws of War, or practices of humanity, after demanding reparation, unless it is immediately made, they Shall forthwith retaliate.⁵

We have the honor to be &c,

Hu Williamson

Wm Blount⁶

Tr (Nc-Ar: Governors' Letterbooks).

¹ The references are actually to resolves of October 3, 1780, and December 10, 1781, for which see *JCC*, 18:893–97, 21:1163–64; and these *Letters*, 16:146, 153, 18:244.

² *JCC*, 22:451–53.

³ *JCC*, 23:642.

⁴ *JCC*, 23:710–11.

⁵ See John Hanson to Washington, October 29, 1782, note.

⁶ Although he did not join Blount and Williamson in signing this letter, Abner Nash had also been representing North Carolina since the convening of the new Congress November 4. *JCC*, 23:708.

James Madison to Edmund Randolph

Dear Sir

Philada. Novr. 10th. 1782.

I put under this cover the newspaper of saturday last, and a poetical production of N. England which has much applause bestowed on it.¹

We have recd. no intelligence from Europe since my last. I have inclosed to the Govr. a copy of a late letter from Carlton which breathes a much less concilating spirit than his preceding correspondence.² No steps have been taken by Congress as to the Cessions since the acceptance of that of N. York. Asgil is directed to be set at liberty, without any special reason being assigned for it, and Gl Washington instructed to call upon Gl Carlton to fulfil his promise to pursue the guilty. If the interval between this & the post produces any thing, you shall then have it farewell,

J. M.

RC (DLC: Madison Papers). Madison, *Papers* (Hutchinson). 5:267.

¹ That is, John Trumbull's *MFingal*, for which see Theodorick Bland to St. George Tucker, November 1, 1782, note 3.

² See Madison's Notes of Debates, November 8, note 3.

Samuel Wharton to George Read

Dear Sir,

Philadelphia, November 10th, 1782.

By Mr. Grantham I send you a bundle of newspapers, besides what is contained in this letter. By those of the later date you will perceive the alarm sounded, through these vehicles of abuse, against our old friend. But, to the keen mortification of the opposing party, he was elected President and General Ewing Vice-President, a worthy and intimate friend of Mr. Dickinson, versus General Potter.¹ I never have known so general a joy diffused among all ranks of the people as was exhibited on this choice of our early associate. The procession from the State [House] to the Court-house was very numerous and respectable, and there the people manifested their felicity by affectionate and repeated acclamations. The gentlemen who opposed Mr. Dickinson are low-spirited, and are afraid something effectual will be done to establish his reputation and that of the present Assembly. Your former neighbor was deep in the politics [of this opposition], but has a certain versatility about him that accommodates [him] to the powers in being. He asked your other old friend to accompany him, after the procession was over, to Mr. D——'s, for the purpose of congratulating him [on his election], etc.; and crowds of other citizens are daily doing the same. What will be done by the State of Delaware in respect of their President I am ignorant of, but he tells me we shall see in the next newspapers what he said to the Assembly here in relation to this matter.

Congress has ordered Captain Asgill to be liberated. This was done in consequence of letters from General Washington, by which it was obvious this was his wish, and from a letter he received from Count de Vergennes, expressing an earnest desire from the king and queen of France, who had been prevailed upon to intercede in behalf of Captain Asgill.

The mother of this gentleman wrote to the Count de Vergennes one of the most pathetic letters I ever read. Although Congress has freed Asgill from his confinement, yet they have instructed the commander-in-chief to inform Sir Guy Carlton, in the most pointed terms, that they rely upon his promise of making strict inquisition after the *murderer* of Captain Huddy; and, in order to prevent all further applications to them from any persons, they have resolved that, in case the enemy shall commit any actions contrary to the law of nations, the commander-in-chief, or the general who may command in the Southern department, after retribution has been demanded by them or either of them, and justice refused or delayed beyond the time limited in their requisition, shall have authority to execute retaliation. This will make the enemy very cautious in their future proceedings, and there will not be reliance, as heretofore, upon the various opinions of a large deliberative body.

No news from Europe, since I wrote you last, except what you will find in the within papers, under the New York head, upon which we place no dependence. The siege of Gibraltar, and the expected conflict between the British and combined fleets, engrosses all our attention; if the event should be favorable to the two branches of the House of Bourbon, or the English should be much worsted in the East Indies, a general pacification will most probably take place next spring or summer. Count Rochambeau's army (I mention this in confidence, not to be repeated) will, we have reason to think, embark for the West Indies. As to South Carolina we can say nothing, as Congress has received no late letters from thence; but it is alleged that part of the garrison of Charleston has embarked, etc.—see the last newspaper. I have not yet received the law you wrote for; President Boudinot has again written to the printer for it. I wait for the index of 1779, which is not yet finished, otherwise I would send you a complete set of the Journals of Congress. Will you wait for the index, or shall I despatch the Journals without it? You can exchange the volume of 1779 for one, when it is printed, with the index. Mrs. Wharton is getting better; she and my children join me in affectionate regards to Mrs. Read, yourself, and children. Adieu.

Yours, very sincerely,

S. Wharton.

MS not found; reprinted from William T. Read, *Life and Correspondence of George Read* (Philadelphia: J. B. Lippincott & Co., 1870), pp. 369–71.

¹ For John Dickinson's election as president of Pennsylvania on November 7, see *Pa. Council Minutes*, 13:413–16; and Milton E. Flower, *John Dickinson. Conservative Revolutionary* (Charlottesville: University Press of Virginia, 1983), pp. 209–11. See also Wharton to John Dickinson, February 17, 1782, note 2.

Charles Thomson to Robert Morris

Sir,

Nov. 11. 1782

Charles Morse one of the clerks in My Office died yesterday and has left a widow advanced in years & very infirm, in low circumstances. He has been a considerable time in the Office and was very assiduous & attentive. At the time when Salaries were paid in Continental currency and the clerks in the several Offices were allowed to Sign bills of credit to augment their pay he devoted his whole time to the business of the Office, for which he expected some extra allowance. If you should concur in sentiment I could wish his widow might be allowed the quarter's wages which would have been due at the end of next month. His last illness has involved expence above his circumstances & his past services merit some reward above his pay.¹

I shall be glad of your answer to this, and am, with respect, Sr, Yr
Obedt humble Servt

Cha Thomson

FC (DNA: PCC, item 49). In the hand of Charles Thomson.

¹ According to his official diary, Morris immediately told Thomson that he approved of making this payment to Morse's widow but that Thomson "must obtain Consent of Congress," which he did the following day. See Morris, *Papers* (Ferguson), 7:41–42n.6, 66; and *JCC*, 23:723n.1. The same day Congress also decided simply to postpone action on memorials from George Bond, the deputy secretary of Congress, and "the clerks on the civil list" for an increase in their salaries. *JCC*, 23:722.

James Duane to Robert Morris

12 Novem. 1782

Mr Duane presents his Compliments to the honorable Superintendent of Finance, and acquaints him that the Committee on his office will make him a Visit to Morrow morning. The Dispatch of business is become necessary as the Committee will soon be dissolved now being reduced to three members.¹

They wish the Superintendant may have time to furnish them with the Account they before requested, and such materials as are necessary to place the Business of the office in a fair & full point of View.²

FC (DNA: PCC, item 142). In the hand of James Duane.

¹ That is, Duane, Thomas McKean, and Samuel Osgood, because the other two original members of the committee appointed July 2 to oversee the office of finance, Abraham Clark and Arthur Lee, had returned home. See Committee to Robert Morris, July 19; Committee Minutes, July 30, 1782; and Morris, *Papers* (Ferguson), 7:44–46.

² For this "Account," which was prepared by the register of the treasury Joseph Nourse, see *ibid.*, pp. 62–63.

Joseph Jones to Edmund Pendleton

Dr. Sr.

Phila. 12th Nov. 1782

My favor when it reaches you, which probably was left in Caroline, will be found to be the act of my friend Madison at my request, being then unable to fulfill my engagement.¹ I am now better tho' not well, so well however as to entertain hopes of again taking my seat in Congress sometime this week.²

I shall thank you for the decision of the Court on the great constitutional question you mention, if which, and the adjournment of it from the Genl. Court into the Court of appeals, we were informed by Mr. Randolph.³ The question is no doubt difficult and important, of which I cannot at this time so well judge, as after perusing the clause of the constitution, which I have not by me, but mean, so soon as I am able, to go out to look over. If my memory does not fail me the constitution vests the power in the Delegates—the difficulty I suppose pro-

ceeds from the subsequent Law being the act of the two Houses—was there any subsequent resolution of the Delegates independent of the appendage sending it to the Senate for concurrence? Will not a determination of the Court, upon a construction of the meaning of the Constitution, different from that assumed by the two branches of the legislature, exalt the judiciary above the legislative? Does not corrections of abuses and violations of the constitution more properly belong to the people at large than to the Courts of Law? And are not Judges to do the Law, rather than refine upon constitutional principles? These, and other questions, delicate and perplexing, upon a cursory view of the subject, strike me, and no doubt have been learnedly investigated. The controversy must have excited the curiosity and attention of the public and the decision draw after it important consequences.

We have been entertained for some time past by Mr. Rivington with the jargon of News you mention, which, together with a late letter of Sr. Guy Carltons to Genl. Washington on the subject of the proposed Cartel, couched in different language and conveying different Sentiments from what he lately held, seems to indicate a change of measures under the Shelbourne Administration more hostile to our claims than those adopted by Ld. Rockingham. Certain it is the King and Shelbourne are averse to the independence of America and from them we are not to expect it, but from necessity—whether that necessity really exists, and they puff off their yet ample resources for prosecuting the war, with the view of obtaining better terms of peace a little time will discover—certain it is also that upon the departure of Mr. Grenville, Mr. Fitzherbert repaired to France with full powers to negotiate a peace with the united provinces of the Netherlands, and all princes and States concerned—under these words we conceive America to be comprehended, but it is said such was not the Idea of the King who granted the Commission. The language may serve the purpose of manœuvre & delay, the object, I think, of Great Britain, to see the events of the Campaign—when if nothing propitious to them turns up, and the parliament shall countenance the measure, peace with independence may be our portion—but good fortune no doubt will urge our proud Foe to a prosecution of the War rather than submit to what she deems ignoble terms of peace. Mr. Asgill, from the delay that has taken place in consequence of the correspondence between Genl. Washington & Genl. Clinton and after with Sr. Guy Carlton on his Case, and the submission of it by the Comd. in Chief to Congress for final decision, will escape the doom to which his lot had consigned him—Congress having lately directed the Genl. to release him, and to demand a compliance of Sr. Guy with his assurances, that every measure in his power shod. be employed to detect and bring to punishmt. the guilty, as by the inquiry instituted by them. Lippincut, the supposed offender, had been acquitted of the charge—this busi-

ness will I expect produce no other consequences than reproaches on Congress. The interposition of our good ally & his amiable consort produced by a pathetic address from Lady Asgill and made thro' the Ct. Vergennes to Genl. Washington to extend mercy to Capt. Asgill which had been communicated to Congress but not noticed in their proceedings on the question, has I presume had some weight in the determination. My paper admonishes me that it is time to conclude wch. I cannot do but with assurances of the unalterable esteem of D Sr. Yr aff Sev't.

Jos. Jones

RC (NN: Miscellaneous Folders)

¹ Because Jones and James Madison wrote to Pendleton on alternate post days, Jones' reference to "My favour" was in fact to Madison's October 29 letter to Pendleton.

² Jones resumed his seat in Congress on November 18 following an absence of about four weeks. See *JCC*, 23:669, 726.

³ For Edmund Randolph's October 26 description of this "great constitutional question," see Madison, *Papers* (Hutchinson), 5:217–18, especially n.9.

Ezra L'Hommedieu to William Floyd

Dear Sir

Philadelphia Novb. 12 1782.

I have left with Mr. Madison, Thompsons Order on David Stephens of Egg Harbour for Prize money left in his Hands belonging to the Schooner Weasel. I have not been Able to get the money since I have been here: he promises to pay it as soon as he can, and I have wrote to him to bring the money to you or to one Colo Summers who keeps a Store below Water Street at the Old Ferry where you may see him, who has assisted me in indeavouring to get the Money; and he has promised to use his Influence with Stephens to pay the same as soon as Possible. Stephens acknowledges that there is coming to Thompson somewhere about Seventy or Seventy Five Pounds. You can give a Receipt for whatever he pays on Account, and not in full as it is at present impossible for me to know what was left with him, only that it was expected that it was considerable above One Hundred Pounds. The Accounts of the Privateer are Still unsettled, and as the Company owe me considerable I am Anxious to receive this Money, or as much as he will pay, which will procure a settlement and secure myself. I leave you a Copy of Stephens Letter to me, and of my last Letters to him¹ & Summers. I am Sorry to give you so much Trouble in this Business; but as it is so circumstanced I beg you excuse it and give me what Assistance you can. If the money does not come soon, by conferring with Colo Summers you will know whether it is necessary for you to write to Stephens; if it is Snmmers can send a Letter almost any Day as he is well acquainted in Egg Harbour. I am sr Your very Hume Sert.

Ezra LHommedieu

RC (Mr. Andrew Fiske, Shelter Island, N.Y., 1980).

¹ "I am obliged to leave this place in a few Days," L'Honmedieu wrote to David Stephens on November 10, "and am very sorry that I could not receive the Money on Capt Thompsons order, as it is much wanted by those that are concerned in the Privateer. I have left the order with Colo William Floyd (who is a Member of Congress for the State of New York) who you may find by inquiring at Mrs Houses at the Corner of fifth Street in Markeet Street or you may send the money, if it will be more convenient to you to Colo Summers who will take a Receipt of Colo Floyd for you for whatever Sum you may pay. I beg you will pay it as soon as possible as the Accounts of the Privateer cannot be settled nor a Distribution made 'till this is received. If you do not pay it soon the owners may be obliged to send a Man on purpose from Connecticut to Egg Harbour, which will cost them half as much as the Debt. I have desired Colo Summers to give you every Assistance you may want in his receiving & paying the Money and taking Receipts, and least this Letter may not come soon to your Hands I have requested him to write to you and Urge the Necessity of the speedy payment of the Money. It is needless for me to say more on the Subject as I trust you will pay it in a very short Time. As soon as it is paid Colo Floyd will give a Bill for the Same Sum on Persons at Middletown in Connecticut which will be very convenient for the agents of the Privateer." Andrew Fiske Collection.

James Madison's Notes of Debates

Teusday 12 Novr. [1782] ¹

The reappointment of Mr. Jefferson as Minister Plenipo. for negotiating peace was agreed to unanimously and without a single adverse remark.² The act took place in consequence of its being suggested that the death of Mrs. J. had probably changed the sentiments of Mr. J. with regard to public life, & that all the reasons which led to his original appointment still existed and indeed had acquired additional force from the improbability that Mr. Laurens would actually assist in the negotiation.

"A motion was made by Mr. Rutledge, declaring that when a matter was referred to any of the departments *to take order*, it was the sense & meaning of Congress that the same should be carried into execution."³ On this motion some argued that such reference amounted to an absolute injunction. Others insisted that it gave authority, but did not absolutely exclude discretion in the Executive Departments. The explanation which was finally acquiesced in as most rational & conformable to practice, was that it not only gave authority, but expressed the sense of Congress that the measure ought to be executed; leaving it so far however in the discretion of the Executive Department, as that in case it differed in opinion from Congress it might suspend execution & state the objections to Congress that their final direction might be given. In the course of debate it was observed by ⁴ that the practice of referring matters to take order, especially where money was to be issued, was extremely exceptionable inasmuch as no entry of such proceedings was made on the Journals, but only noted

in a Memorandum book kept by the Secretary, and then sent to the Department with the reference to take order indorsed by the Secy. but not signed by him.⁵ So that the transaction even where public in its nature, never came before the public eye, & the Dept. was left with a precarious voucher for its justification. The motion was in the end withdrawn, the mover alledging that as he only aimed at rendering an uncertain point clear, & this had been brought about by a satisfactory explanation, he did not wish for any Resolution on the subject.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:268–69.

¹ Immediately preceding this entry Madison wrote: "Saturday & Monday no Congress."

² See *JCC*, 23:720–21. For Jefferson's original election as plenipotentiary and refusal to accept the appointment, see these *Letters*, 17:320–22.

³ See *JCC*, 23:722.

⁴ At a later date Madison inserted: "Mr. Madison."

⁵ Madison's reaction to Rutledge's motion is also recorded in the following endorsement by Secretary Thomson on the copy of the motion in PCC, item 36, 1:433. "Withdrawn—Novr. 12. 1782. N.B. it seemed to be the general Sense of the house that a reference to take order implied a discretionary power. But it was argued by Mr Madison that if the thing was not done the officer should report the reasons that prevented."

James Madison to Edmund Randolph

Mr dear Sir

Philada. Novr. 12th. 1782

My letter by the last post & subsequent one by Col. Basset,¹ leave me nothing to add by this mail but that a Vessel is arrived at Boston after a short passage from France from which it is propagated that late in Sepr. Lord Howe had not sailed from the Channel & that he had assembled not more than 34 Ships. I am told that the Gentleman Who brings this information from Boston has also letters for the President or the Secy. of For. Affairs.² Should this be the case, & the letters contain proper subjects of communication, I shall not probably be able to collect them before it will be necessary to seal this.

Mr. Jones has considerably recovered since my last, but not without a slight intermediate relapse. Col. Bland proposes to set out in a few days for Virginia on private business which he expects will detain him some weeks.³ Your answer to my last or the preceding one I forget which will give some rule I hope for my expectation of your company. Your favr. recd. yesterday did not contain the promised Cypher, which I impute to the monopoly which the Courts have of your time.⁴ If Mr. Pendleton should not have left Richmond be so good as to tell him that I have executed the commission recd from him and that the object of it will be conveyed in Mr. Jones' letter of this date to Caroline, but that the note of Mr. Morris was condemned by Mr. Swanwick

as counterfeit & returned upon me.⁵ The note is also inclosed in Mr. Jones' letter.

I am yrs. affecy.

J. Madison Jr.

RC (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:270–71.

¹ That is, Madison's letters of November 5 and 10, 1782.

² This day Robert R. Livingston submitted to Congress John Adams' letter of March 19 and Charles W. F. Dumas' letter of July 9, 1782, for which see PCC, item 84, 4:25–60, item 93, 2:75–77, 83–86, item 185, 3:48; and Wharton, *Diplomatic Correspondence*, 5:246–65.

³ See Virginia Delegates to Benjamin Harrison, November 19, 1782, note 2.

⁴ For Randolph's letter, see Madison, *Papers* (Hutchinson), 5:230–31. For the arrival of the "promised Cypher," see Madison to Randolph, December 3, 1782, note 10.

⁵ For the "commission" which Madison executed and the "note of Mr. Morris," see Madison, *Papers* (Hutchinson), 5:64nn.11–12, 272n.8.

James Madison to Edmund Randolph

In Congress Novr. 12. 1782

Resolved,

That the appointment of T. Jefferson Esqr. as a Minist. for Nego. peace made on the day be & the same is hereby renewed; & that on his acceptance thereof he be invested with all the powers & subject to all the instructions which have been or may be issued by Congress to the Minist. Plenipo. for nego. peace, in the same manner as if his original appt. had taken effect.

This Resolution passed a few minutes ago¹ I sent you a line for the post but I fear too late. This catches Doctr. Tucker in the Street proceeding by the State House.² You will let it be known to Mr. J. as quickly as secrecy will admit. An official notification will follow by the first oppy.³ This will prepare him for it. It passed unan. & witht. a single remark adverse to it. On this subj. again by the post next week or by Col. B. if earlier.⁴

Adieu.

RC (DLC: Madison Papers). Addressed: "The honble Edmd. Randolph favd. by Dr. Tucker who will deliver it himself if he can—if not by the hand of Col. Monroe." Madison, *Papers* (Hutchinson), 5:272–73.

¹ Madison's Notes of Debates, this date, note 2.

² Dr. Thomas Tudor Tucker was leaving Philadelphia, having petitioned Congress for pay and allowances as a Continental surgeon. See JCC, 23:752–53; and Madison to Randolph, November 14, 1782, note 1. See also these *Letters*, 17:371.

³ For secretary for foreign affairs Robert R. Livingston's "notification" and Jefferson's response, indicating that he hoped to arrange his Virginia affairs and pay his respects to Congress by the end of December, see Jefferson, *Papers* (Boyd), 6:202, 206, 207n.

⁴ See Madison to Randolph, November 14, 1782.

Member of Congress to Unknown

[November 12, 1782] ¹

"Young Captain Asgill, some Time ago allotted as a Victim of Retaliation, to atone for the Murder of Captain Huddy, is liberated by Direction of Congress. No Reasons being assigned in this Resolve, the World are left to conjecture at the Motives which induced it. It appears undeniably true that Lippencut was the real Murderer, and that he had many Accomplices with him—some actually assisting in the Fact, others advising, directing and approving it. Subsequent to the Threat of Retaliation, several Things have taken Place to render its Execution less necessary in the Opinion of many. The British Commander in Chief has reprobated the Fact in unequivocal Terms; he has instituted a formal Trial by Court-Martial, in which, after much Parade, Lippencut was acquitted. He has promised to pursue the Inquisition, so far as Justice will admit, to detect and deliver to Punishment the Guilty. He has dissolved the infamous Board of Refugees, and declared it as his Intention, and that of his Court, to conduct the War on liberal and humane Principles; and his official Conduct has not yet belied this Profession. In Consequence of a well written and most moving Letter from the distressed Mother of Asgill, Count de Vergennes, in his private Character, has addressed our Commander in Chief on this Subject.² He paints in high Colours the Effects of this Letter on the Court of Versailles—the Youth and Innocence of the Victim—the Tears of the Mother—the Distraction of the Father, and the Ruin of the Family, have excited royal Compassion and Intercession. The Count further adds, that it would not only be a most grateful Thing to their Majesties to have Asgill restored to his inconsolable Parents and Friends, but they hope it will be considered on this Occasion that he is a Capitulant of York-Town, and that the Laurels of that Day were acquired by the joint Arms of France and America.

"How far these Considerations, or any others that may be suggested, will justify this Measure, must be submitted to the Decision of the civilized World, and Posterity; I shall only observe, that as the chief End of Retaliation is to prevent a Repetition of Injuries, when that End is substantially obtained, forbearing to execute a Threat is a *double Victory*."

MS not found; reprinted from the *Providence Gazette*, December 7, 1782.

¹ This document was printed under the following heading: "Providence, December 7. *Extract of a Letter from a Gentleman in Philadelphia, dated November 12.*" It seems clear from the details about Charles Asgill's fate contained in it, that this letter could only have been written by a delegate to Congress, perhaps one of the Rhode Island delegates attending at this time, Jonathan Arnold or David Howell. Cf. David Howell to Moses Brown, November 6, 1782.

² See John Hanson to Washington, October 29, 1782, note.

Elias Boudinot to Hannah Boudinot

My dearest Love.

Philadelphia Novr. 13th. 1782.

It is matter of real grief & sorrow to me that I should ever be the cause of a distressing or uneasy Hour to one who I esteem above all the Honors or Riches of this transitory Life. I feared greatly that the Change of Station would not be pleasing as I was sure the derangement of my Affairs and the additional Labour cast on you, would be perplexing—but I remembered & doubt not but you will remember, that God has ever been the director of our Paths and the Guide of our Ways. It is not the first Time that he has led us in the Way which we knew not—and set our Feet in a strong Place. We have embarked in his Service, and it is our part to see that we do his Will and act with a single Eye to his Glory & all will be well.

Your affectionate & tender Letter was recd. as usual with a hearty & earnest welcome. Mr Remsen had arrived here the Evening before, & returned this Morning. As to directions I cannot collect my Thoughts sufficiently to aid you—In general dispose of those Things that you can sell to advantage—especially the Waggon, Plough &c unless they may be wanted. Let the Boards be put under cover, and all the Logs at the Mill properly sawed & secured. The Hay had best be kept & Mr. Pintard to sell it towards the Spring, say Feby. I gave £12 per Ton here & 3 Dollars for Carting. Let the Stack in Mr. Southerds field be first used. As to Servants I have one good Negroe Man & can get another—but on serious Consideration, I think you had best bring Jude as a Chamber maid, on two Conditions—the first she must work very hard—the 2d she must get no more Children, tho I fear her Virtue here. On these Terms I could make out to charge so much for her service as to cloath her very well—say 7/6 per week. She must leave her Child with *Mama*. I think this would be much best, as Mr Pintard has a Wench—and Phillis will be better under her Mother than a Stranger. I will enclose a list of the general Furniture, which will direct you what to bring. The House is very indifferently furnished, and the Finances are too low to get any more. I suppose the necessary Et cetera's for first begining of the winter such as Wood, Hay, Wine &c will require at least 1500 Dollars. You had best bring one Suit of Curtains, or perhaps Susan must go without. The Horses I wish you could sell provided a tolerable Price could be got for them. The big Horse grows very old & I wish to be rid of him at the proper Price of £30.

As to Mr. Remsen, he must either lodge in the Office & board with Mr Pintard, or take a number of Books & all the Papers to his lodging and have the Key of the office to go in occasionally, as you think best. I have referred him to you & he says he will do any Thing you are of opinion will Answer. There are no Broaches of any kind in the

House,¹ but if you cannot bring yours with Ease, we can do without. I delivered the Letter you refer to & answers went by Dr. Romaine. If Polly could take the big Horse (if not sold) I should like it, provided she could take Care of him, but how is this possible without a Boy, and where is she to get Hay for him in her Situation. He would be starved.

But now as to the grand Point. I cannot think of your staying longer than this Week. You must set off on Monday next at farthest. I am like a Pelican in the wilderness. Mr Hanson is gone. I am quite alone with my Secretary. I shall certainly expect you if the weather is good on Tuesday Night. Your Brother Sammy is to Squire you from Princeton. I observe what you say about Patty, and have no Objection to her lodging with Susan as it will be Company for her, and Mr P. deserves every Thing from us. But how will you get her down, unless her Papa will bring her to Princeton in the Chair. I am very anxious for your arrival lest the weather should change, yet I am loath to hurry you. I have 30 Gentn. to dine with me to day—what a figure I cut all alone.

My Time & Paper will only admit of assuring you [. . .] My dearest Love, Your [. . .]

[P.S.] (Bring with you all your Plate).

Kind Love to Mr Livingston's Family and all enquiring Friends.

Remember me affectionately to our worthy Parson & let him know I have sent him a pair of Spectacles by Mr Remsen, which I hope will suit him.

RC (NjP: Stimson Boudinot Collection).

¹ Broach: "a taper . . . but in some cases explained as a spike on which to stick a candle." *OED*.

Ezra L'Hommedieu to George Clinton

Dear Sir,

Philadelphia Decemb. [November] 13, 1782.

In my Letter to your Excellency, of last week, I mentioned my Expectations of knowing in Two or Three Days What Relief the unhappy Sufferers in the County of Cumberland could expect from the Interposition of the United States in their Behalf. I was mistaken—we could not get a Report 'till yesterday.¹ This Report is such an extraordinary a Production, that there does not appear to me the least chance of its being adopted; it will however answer the Purpose of Delaying the Business by committing or postponing the same. Such a Report was unexpected, altho Two of the Committe (the one from Massachusetts and the other from Rhoad Island)² are open advocates for the Vermont Independence. I fully believe now, what I have feared, that nothing decisive by Congress will be done. This Report

was to have been taken up to day, but there not appearing a Sufficient Number of States by Eleaven oClock, (according to the Rule) an adjournment took Place. Tomorrow it will be taken up, and after that Time I shall advise Mr. Phelps, Shattuck and Evens to return, as it will answer no Purpose for them to continue longer in this expensive Place. They have spent all their Money and are considerably in debt, which in their Petition they have mentioned, but I believe will have no Releif in that respect, more than in the other, from Congress. We proposed setting of[f] for the State this Week had the Vermont Business been finished. We shall stay as long as we see the least Probability of any Thing being done for the Restoration of Property to our unhappy fellow Citizens in Cumberland County, or untill Colo's Floyd and Hambleton³ arrive, which I hope will be very soon. We have no News exopt what is contained in the inclosed Papers.

With great Respect and Esteem I am your Excellencys most obedient and Hum'e Servt.
Ezra LHommedieu.

Reprinted from Burnett, *Letters*, 6:540–41, from a document located in the New York State Library before the Albany fire of 1911.

¹ This report, in the hand of committee chairman John Rutledge, was endorsed by Secretary Thomson: "Novr. 12. 1782 read. Entd. To be taken up tomorrow. Debated & entered on the Journal Novr. 14. 1782." See PCC, item 19, 5:149–51; and JCC, 23:723–26. See also James Duane to Clinton, November 14, 1782.

² That is, Samuel Osgood and David Howell.

³ Alexander Hamilton.

Samuel Wharton to William Trent

Dear Sir¹

Philadelphia Novr. 13 1782. Saturday.

I wrote you by Dr. Witherspoon² in respect to some Cyder, and I am surprized, That I have not had an Answer.

This hasty Line is just to inform you & I desire you will write it to Mr. Morgan, That the Inhabitants Westward of the Allegany Mountain have by Beat of Drum declared Themselves an independent State, by the Name of *Transilvania*. It is said, There are 5000 Men, good Marksmen, who have associated Themselves to defend their Independence. Some of Them have crossed the Ohio & are settling the Indian Lands. This Transaction, joined with an important, *late* One, will, most probably, bring Western Affairs to a quick Issue. It is alledged, That Mr Pitt—co—t³ is at the Bottom of this western Resolution. This is the substance of what Congres, & the Council of Pennsylvania have received from General Irwin.⁴ I submit to Mr. Morgan & you, Whether any Measures should be taken by the Company,⁵ or Whether any Person should, in their behalf, immediately proceed to Fort Pitt & learn the true Object in View. My best Regards to Mr. Fell. I am Yrs. Sincerely,
S W

RC (PHi: Etting Collection). Addressed: "To Major Willm. Trent near Trenton."

¹ William Trent (1713–87), Indian trader and land speculator in the Ohio country, was a founder of several land venture companies including the Vandalia Company, whose interests he often represented to Congress. See *DAB*; and these *Letters*, 13:493, 14:46, 132.

² Not found.

³ That is, Dorsey Pentecost, of Washington County, Pa., who wrote the Pennsylvania Council on November 6 in defense of his activities in the region, for which see *Pa. Archives*, 1st ser. 9:661–63.

⁴ For the Pennsylvania Council's receipt of Gen. William Irvine's October 27 and 29 letters, see *Pa. Council Minutes*, 13:426; and Wharton to George Read, November 17, 1782.

⁵ That is, the Vandalia Company, of which Trent and Wharton were members.

Elias Boudinot to Elisha Boudinot

My dear Brother.

Philadelphia Novr. 14th. 1782

Your affectionate Letter of yesterday has been just handed me. I accept your Congratulations with Pleasure, and earnestly pray to God, that I may go through my Year to the advantage of my Country, and be so happy as to retire to private Life at the End of it, with the pleasing reflection, that American Independance was finally established in the Year 1783, by an unequivocal, honorable & lasting Peace.

I have run over the Papers you sent me in the affair of the Partition. My design always was, to let Judgment go by Default, provided the Sheriff was to be depended on—and I Still think it best because if you [shou]ld loose it, yet a Writ [. . .]¹ finished as soon as possible. The Matter in Equity is clearly in Favour of Brown—but you must examine him well as to the whole Story before you will be possessed of all the Facts. It is left on the Broadest Bottom. The Referrees to hear every Thing.

The Parties once settled it between themselves in favour of Brown but broke off again. Pitney is not a good Man—full of art & Chicane. Brown never gave me but a small retaining fee; therefore he should pay you fully.

I cannot think of trusting Dickey² as my Secretary. He is so amazingly careless in his writing, that it would endanger my reputation & the Public Good. I had almost every Thing he only copied brought down by Mr Remsen, to go over & scratch & interline that was really intolerable considering his Age & Abilities.

The Young Gentn here³ has been several Years in the Business & understands it well, and I believe wholly depends on it—it would at least be imprudent to [dismiss?] him till I got some one to be [. . .]¹ But if no discovery is made, do speak to Robt Ogden & try to persuade him to Admr. on the Estate—if not I must get you to endeavour to settle the Acct in my Name. I am afraid the Vendue Acct will be lost, if not recovered immediately.

It is very late, and I can only add that I should have been very glad to have seen you. My kind Love to Mr. & Mrs Smith, Sister &ca.

Am My Dr. Brother, Yours Afftly,

Elias Boudinot

[P.S.] Do ask Mr. Hunt, at what rate he could furnish me with 150 Bushles of good Oats—and also whether he knows of a pair of well broke large able Coach Horses—Bays 15½ Hands high, to be had reasonably. I am looking out for a pair—let me know [. . .] Coll Covenhoven, Sammy [. . .]

RC (NjP: Stimson Boudinot Collection).

¹ Approximately one-half page missing.

² Not identified.

³ That is, Samuel Sterrett, who had been private secretary to President John Hanson and continued in the post under Boudinot. See PCC, item 142, 2:329–30.

James Madison's Notes of Debates

Thursday. 14 Novr. [1782] ¹

The proceedings were confined to the report of the Committee on the case of Vermont entered on the Journal.² As it was notorious that Vermont had uniformly disregarded the Recommendation of Congress of 1779, the report which ascribed the evils prevalent in that district to a late act of N. Y. which violated that recommendation was generally admitted to be unjust & unfair. Mr. Howel was the only member who openly supported it. The Delegates from N. Y. denied the fact that any violation had been committed on the part of that State. The temper of Congress on this occasion as the yeas & nays shew was less favorable to Vermont than on any preceding one—the effect probably of the Cession of N. York. In the course of the debate Mr. Howel cited the case of Kentucky as somewhat parallel to that of Vermont, said that the late erection of a separate Court by Virga. for the former resembled the issuing of Commissions by N. Y. to the latter,³ that the jurisdiction would probably be equally resisted & the same violences would follow as in Vermont. He was called to order by Mr. ———.⁴ The President & the plurality of Congress supported & enforced the call.⁵

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:273–74.

¹ Immediately preceding this entry Madison wrote: "Wednesday 13 Novr. no Congress."

² See Ezra L'Hommedieu to George Clinton, November 13, note 1; and James Duane to Clinton, November 15, 1782.

³ For the "case of Kentucky," see Charles Thomson's Notes of Debates, August 27, 1782.

⁴ At a later date Madison inserted "Madison."

⁵ For an interpretation of the rules of procedure on which Madison called David Howell "to order," see Madison, *Papers* (Hutchinson), 5:275n.9.

James Madison to Edmund Randolph

Dear Sir

Philada. Novr. 14th. 1782

By a line dropped for the post, tho' perhaps too late to get into the mail, and by another by Dr. Tucker who soon followed, I informed you of the reappointment of Mr. Jefferson,¹ that the act passed unanimously & without even an unfavorable remark. Col. Bland by whom this goes, conveys an official notification from Mr. Livingston, under cover to Col. Monroe. As you will probably in consequence of it, if not before have an interview with Mr. Jefferson, no observations on the subject are necessary. I confide in his acceptance and flatter myself with the pleasure of soon seeing him in Philada.

I inclose you the late papers which are very barren, but contain every thing which falls under the head of news.

I am yr. affe. friend,

J Madison Jr.

RC (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:275.

¹ See Madison's second letter to Randolph of November 12.

Samuel Osgood to John Lowell

Dear Sir.

Philadelpa. Novr. 14th. 1782

Is it not the Duty of every sincere Friend to the State of Massachusetts, to examine with more Accuracy & Attention her territorial Interests, than has hitherto been done since the Commencement of the War? I apprehend we have a much fairer Opportunity now, to obtain a Just Decision of the Extent of our Country, than it was possible for us to have, whilst under the irresistible Controul of a Power that could say, thus far shall ye extend & no farther. Power & Policy dictated to Masssts. the most humiliating Submissions to unrighteous & arbitrary Decisions upon her Limits, Decisions destitute of every Principle of Justice, & if once admitted, would destroy every Idea of civil Society: for Compacts & Covenants the most solemnly entered into, would be vain & chimerical. Tho' it may not admit of positive Proof, I think no rational Person can doubt, that for many years previous to the War, the Policy of Great Britain was, to curtail & lessen the Influence of Masssts. as much as possible: Two of the neighbouring Provinces were much better calculated to answer the Views of arbitrary Power, than chartered Governments. Masssts., Rhode Island & Connecticut, could alone, in the thirteen United States, be properly so called. The first, from her Extent of Territory must one Day become formidable of herself, unless she could be reduced to a Tenth Part of her indisputable Boundaries: for it is evident that we do not exercise Jurisdiction over more than a Tenth of the Territory contained in the Indenture made by the Plymouth Company to Sir Henry

Roswell & others, which never was pretended to be annull'd or vacated.

I am influenced to write respecting Territory, because since my Attendance in Congress, very tedious & disagreeable have been the Debates respecting the Newhampshire Grants.¹ Very much Time has been lost to very little Purpose. We cannot make them independent in Congress. We cannot obtain a Vote to receive them into the Union. What, in this Case, must be done? Shall we suffer that Tract of Country to be an Asylum to all those, who choose to avoid the Burthen of supporting our Independence? Who, in this point of View, will Experience so great a Diminution of its Citizens as Masssts.? It is in my Opinion greatly for our Interest that she should be independent or not immediately. Perhaps upon every Consideration, the last is most for our real Interest. For I cannot suppose Masssts. can wish for an Addition of a Number of small States in the Union. Upon the Principles of the present Confederation, they have a Share of Power much beyond what their Interest entitles them to: And I am perswaded that it was not possible to bring them to consent to proportion their Power by their Interest & Ability. The small States even now, watch the larger with a very Jealous Eye. And all of them unite in Favor of receiving more States into the Union. But I am more seriously impressd with the ill Policy of it on our Part, for many Reasons, than I have heretofore been. It is true that Nine States on the 20th of Augst. 1781 seemed to vote in Favor of the Independence of Vermont.² Whoever reads the Journals of Congress, will think that they were seriously in earnest about receiving them into the Union But Congress are much altered, & there must be a great Change, before Nine States can be obtain'd in their Favor. I begin to think there never will be, unless Vermont can make herself so formidable, as to become an Object of much higher Consideration than she seems to be at present. New York is using every conceivable Way to gain Ground in that Country. She protests solemnly as a State, against the Independence of Vermont; & denies the Power of Congress to make her so. Will Masssts. tamely suffer New York to establish civil & military government there, whilst Congress are in vain attempting to decide on a Question, which New York say is not submitted to them. Whilst the last are making as many Friends there as they can, you are rejecting them. This is in every View bad Policy, if the State mean to prosecute their Claim (in Case Vermont is not made independent) which I cannot doubt but they will do.

You are not unacquainted with Charles Phelps or his Character at least:³ he has been here several Weeks; & is one, among a Number of others, whose Property is confiscated & whom Vermont have banished from their State. Charles with two others formerly Inhabitants of Masssts. in a Petition to Congress, declared themselves to be Citizens of the State of New York. I was very well prepared to meet Charles from the Papers you had put into my Hands. I remonstrated to him, against his calling himself a Citizen of the State of New York; & told

him that I had his own Arguments in his Hand writing, to prove that, that Part of Vermont, where he lived, was within the indisputable Boundaries of Masstts.—that I was very sorry to find that he persisted in acting inconsistently. It must weaken all his Applications—But as to hurting his Reputation or Credit, I did not suppose it would, for it was too notorious that for a long Course of years, he had been playing himself off upon Newhampshire, Masstts. & New York: that every Body acquainted with his Negotiations, must consider him as destitute of every Principle of Consistency. He said he did not know what Papers of his Writing, I might have—But he had not altered his Sentiments as to Masstts. having a clear Right to about fifty Townships in the Country of Vermont. He said he could not submit to the arbitrary Government of Vermont. Masstts. has refused to afford any Protection, she has rejected the People. But New York have not; They have a Claim, & are determined to defend it, & to succour all the People who will acknowledge themselves to be their Citizens. Where else, therefore, can I go but to New York. It is in vain for me to apply to Masstts. However inconsistent Charles may otherwise be, there is Weight in these Observations. They suggest to me that Masstts. ought to have adopted another Mode of Conduct with Respect to those People. If her Delegates in Congress had favoured their Independance, the State should not have rejected the People: for their Disaffection & consequently different Attachment may be a weighty Argument against you, whilst it gives an Ascendancy to the New York Interest. The local Position of the Country favors Masstts. much more than New York. We can either protect or subdue them, which, in her present Situation, the other cannot do.

New York make a great Noise about the Resolutions of Congress of the 24th of Sepr. 1779 & the 2d of June 1780.⁴ The first of these Resolutions, appears to me to be inconsistent with the Nature of civil Government: It contains a Recommendation both to the State of New York, & the People of Vermont to be peaceable: That neither exercise Jurisdiction over any, but such as chearfully submit to it. The Governor of New York has, within the six Months past, issued Commissions civil & military, without any Restrictions in those Commns. so that he has attempted to establish Government at large. The Legislative Power of Vermont knowing this, make a severe Law to imprison, confiscate, & finally banish all such as deny their sovereign Authority. That Law has been executed with Rigor upon many Individuals. Charles was a Judge of an inferior Court under New York, the other two had military Commissions dated the 5th of last June. Whilst the East & West Wings, as they were call'd, continued united with Vermont, the very People now here supported it & would not have taken Commissions from any other State. But as soon as those Wings were cast off, these People cast off Vermont also; and knowing that New York, & no other State, would receive them, they resorted thither. But I believe there is no Doubt but they would have resorted to Masstts. as their Relations &

Acquaintances are all there, if the State would have countenanced them in Vermont. Upon the Principles of the aforesd. Resolution, the People may, as often as they please, change from New York to Vermont, & from Vermont to New York. If New York have not exceeded us in Policy, it is not for Want of any Care & Vigilance of theirs. They possess not only a great Fund of Intrigue, but it is accompanied with unremitted Zeal. New York whilst a royal Government, was moduled upon the Principles of Arbitrary, despotic Power. The Predominancy of british Interest in her Favor on this Account, was very apparent—& New York knew the Advantages of it well; which is a very plain Reason to me, why they appeared at first very cold, not to say opposed to seeking a Redress of Grievances, by the last Appeal. The sensible Men were nearly all, deeply interested in unreasonably large Grants of Land; & tho Truth & Justice were against them, must have considered, that with Britain they could have obtained their Point, & an immense Territory—But with America confederated, her uncertain vague & encroaching Pretensions must be examined with an Eye of Reason, which they will not bear. They could therefore but conclude, that their Interest was closely connected with Britain, & the Moment they relaxed from that hold, the Principles of Tyranny & Injustice would favor them no longer. New York had set their Eye & nearly their Foot, upon a Territory which would have one Day of itself bid Defiance to powerful Nations—very little exposed by Sea, she is by Nature caculated for the best Defence in the World. The Extent of Country which New York Claims, is vastly beyond what I had conceived—well might Doctr. Douglass in his Map published in the Year 1757⁵ Color about one third of the Continent for New York. The Territory claimed contains about one & Twenty Times as much Land, as the old Colonies of Masstts. & Plimouth in their present State. But New York have ceded to the united States all the Land westward of a Meridian Line to be drawn Twenty Miles Westward of Niagara Falls; confining themselves to a State that contains about Nine Times as much Land as the above mentioned Colonies.

I am sorry to take up your Time by adding more to an unreasonably long Letter—But I have Just read several Passages in it to Genl. Lincoln. He charges me with being more of the Politician than he suspected. I dont know what he meant to convey by the Word *Politician*. I am sensible, some Things I have wrote should be perfectly confidential—those I confide to you not as maturely digested Sentiments. I did not doubt but you would consider them as such. I think notwithstanding the General's Charge, his Sentiments do not differ greatly from mine—to your Candor I submit the whole to be Judged & dispos'd of as you may think proper.

Since writing the above, I happened to take up a Paper which contained Minutes, in a Hand writing well known.⁶ They claim a Place

here, as they seem to confirm some of the Sentiments in this Letter. The Subject of those Minutes was the Report of a Commee. respecting Vermont. Mr. Rutledge, Mr. Howell & myself made the Report.⁷ It was like a two edged Sword. It grieved where Grief would answer a good Purpose, it vexed where Anger would answer a better. The Purport of the Report was this—That the Difficulties lately arisen in Vermont were *probably* occasioned by the Commissions issued by New York—that it be recommended to the State of New York to recall them—That Vermont make Restitution for Property confiscated, & permit the banished to return; & that, both Parties abide by the Resolution of the 24th of Sepr. 1779.⁸ Mr. Duane told Mr. R—— he was very sorry to see his Name to such a Report. Mr. R. answered him with an independent Mind. The Minutes are as follows.

1. The Business has been before Congress near two Months.
2. The final Result is, throwing the whole Blame of the Disturbances on the State of New York.

3. When it is evident that N.Y. have in no Instance violated the Resolves of Congress, & the Vermontees have not.

4. There is a Contradiction in the Report, first in recalling & then to adhere to the Resolve of the 24th Sepr.

5. The Evil complained of, did not arise from the Commissions how often before have they imposed &ca.

6. It is recommended to Vermont to *suffer* the banished to return—make Satisfaction to them—intimated Predicament. Quere—Will they Regard the advice? will they not triumph? will they not proceed to greater Excesses when they find Support in all their Measures?

7. It is needless to inform N. Y. of her Insignificancy in the Eyes of the United States as she has been sensible of it for a long Time. Nor to aggravate her by obliging her to call to Remembrance what the Tories told her in the Beginning (viz.) that the State would be over run by her Neighbours they now see the Truth of it. Had they known it before they never would have entered into the Controversy.

8. What Interest at present People can have to support Vermont I cannot tell. The Lands are secure. It must either be to pay no Taxes or procure another Vote to the Eastward.

9. The poor People who have been waiting so long are not only neglected but reprimanded as they have taken Commissions under N.Y. How could N.Y. exercise the Government allowed by the Resolve of the 24th of Sepr. without Officers. These poor People are not the Objects of Compassions. Two Indians the other day who had not suffered, were allowed two hundred Dollrs. to defray their Expenses.

N. any Violences committed against those Resolves *a Breach of the Confederacy*.

June 2d. 1780 strictly enjoined to obey the above Resolves now after violating them, 'tis recommended to make Restitution: to suffer the

Banished to return.⁹ New York will look upon this as an Insult; and Vermont will exult.

I am, dear Sir, your most obedient Servant, Samuel Osgood

RC (DLC: Osgood Papers).

¹ Osgood was also a member of the committee that reported November 12 on the question of legal authority in Vermont, which arose from a September 16 letter of New York governor George Clinton and petitions of Charles Phelps, William Shattuck, and Henry Evans. See *JCC*, 23:723–26; Ezra L'Hommedieu to George Clinton, November 13, note 1; and James Madison's Notes of Debates, this date.

² For this resolution, declaring that the recognition of Vermont independence would be conditional on her acceptance of boundaries set by Congress, see *JCC*, 21:887–88.

³ For Phelps' "character," see these *Letters*, 14:40n.1 and 333n.2.

⁴ See *ibid.*, 13:546–54, 15:239–40, 255–57, 267.

⁵ Osgood may be referring to one of the maps that was added as an appendix to the 1757 printing of William Douglass, *A Summary, Historical and Political, of the First Planting, Progressive Improvements, and Present State of the British Settlements in North America*. 2 vols. (Boston: Rogers and Fowle, 1749–51); Evans, *Am. Bibliography*, no. 7,885.

⁶ The author of the "minutes" is not identified; but Osgood inserted the minutes at the end of this paragraph.

⁷ See note 1 above.

⁸ *JCC*, 15:1095–99.

⁹ *JCC*, 17:482–84.

Jonathan Arnold to Daniel Cahoon

Dear Sir,

Philadelphia Novr. 15th. 1782.

The inclosed ¹ was written in haste in expectation of an opportunity to send it directly but as the person who now takes it by the way of Providence, does not set off 'til afternoon I snatch a moment to make some addition.

News we have none more than the inclosed Paper contains.

Congress have for several days been on the affair of Vermont, and upon the whole it appears that the present members will do nothing to their Advantage.

I have it from the Friends of N.Y. That it is most probable—a new State will be finally formed on Connecticut River, its western line the Chain of Green Mountains and its eastern, they care not where—but I tho't the Gentn might have imagined that N. Hampr. had its public feelings as well as NY—and would as much conceive themselves injured by a diminution of Territory as they.²

I think it would not be amiss to suggest this to the Friends of N. Hampr. and let them know, that it is not improbable N.Y. Policy may, if Vermont is not supported in her present claims, set such a project on foot, in order to secure the lands West of the Mountains and on the Lakes, to themselves, at N. Hamp's. expence, and that (as the only sure means of preventing such an event,) it is the Policy of N. Hampr. to concede in the Clearest & most decided manner to Vermont's

Independence. Propositions I doubt not have passed between some individuals of your State & New York to divide Vermont between them by the highth of Land, but from what I can discover—it will be dangerous for N.H. to depend upon such a Division—and if NY agrees to it I think it must be with a view to effect a future division of your State.

I am the more confirmed in this from the sentiments discoverable in the persons lately banished from Vermont, Viz. Phelps & his Companions—who are now in this City & are daily, & nightly, propagating every false & scandalous rumor, that malice can invent to injure the People of that Country, who have no agent or other person to contradict & oppose them. This man in particular has express'd himself clearly, on the subject, and altho he is now soliciting redress as an Inhabitant of the State of N.Y. yet is in heart for having the New State, on both sides of the River, and giving to N.Y. the Lands west of the Mountains, & as he is the Tool of the N.Y. Party so I have right to conclude he lets out the secret determinations of the Representatives of & sticklers for that state.

I must therefore again repeat it that New Hampr. can be only safe in holding Jurisdiction to the River, but by having Vermont to its present Limits Independent. It may be suggested that Congress have guaranteed to N.Hampr. to the West bank of the River in their Resolution of the 7th Augt. 1781. I answer they have so, but it is a Conditional guarantee—and rests only on the acknowledgment of the Independence of Vermont; would it not be the wisest policy in [your] State to yield without reserve to the [independ]ence of Vermont? This would imm[ediately?] render the conditional guarantee Absolu[te &] destroy the very source of future conten[tion] at a single stroke.

Enough of Politics

I beg you my dear Sir, to present my most sincere regards to Mrs. Cahoon, & the kind members of your good Family—& my regards to the other Families at Winchester—(including Col. Willard & Mrs. Hannah) and my Paternal regards to Lyndon—from whom I shall expect a Letter, as soon as you have opportunity to write me—and am with the most Perfect friendship, & regard, Your most huml Servt,

Jona Arnold

RC (Vt: Henry Stevens Collection). Addressed: "The Honorable Daniel Cahoon Esquire, at Winchester, State of New Hampshire. Per favor Dr. Thayer. To the Care of Dr. Stephen Randall, Providence, to be forwarded."

¹ See Arnold to Cahoon, November 4, note 5.

² Arnold was himself already the recipient of two large land patents in Lyndon and Sutton, Vt., and in 1796 became a founder and leading resident of St. Johnsbury. Edward T. Fairbanks, *The Town of St. Johnsbury, Vt.* (St. Johnsbury, Vt.: Cowles Press, 1914), pp. 29–35; and Walton, *Records of Vermont*, 2:51, 148. For some of the difficulties he experienced as a result of his support for partisans of Vermont independence, see also Arnold to George Washington, January 28 and February 11, 1783.

James Duane to George Clinton

Dear Sir,

Philadelphia 15th Novem'r 1782.¹

I had some Reason to hope that a decisive Act might before this have passed respecting the district of the Grants; but as not more than eight States are now represented, and I am under an indispensable necessity of returning home speedily, I despair of it. I trust so entirely to your Excellency's Candour that I do not fear we shall be accused of Want of Zeal for our Jurisdiction, or respect for our official Instructions: every thing on our part has been urged to produce a Determination: but this business, clogged by the heavy pressure of eastern Influence, has always moved heavily. A wish to procrastinate still prevails; even the most candid are apprehensive of the Consequences of driving the Vermont Faction to despair and no Pains are spared by the interested to sound this Alarm and give it every possible Impression. There seems however no danger that many of the States will ever Vote for the Independance of Vermont. If Justice was out of the Question, there are political Obstacles of vast weight: and the favorable Change of our Circumstances entitle us to hope that we shall never again see the dangerous Crisis to which we were reduced when the p—s² Resolutions of the 20th of August 1781 unhappily took place.

In the mean time the unhappy Sufferers from the late cruel Outrage demand our Compassion and our protection. A Report highly injurious to the Rights and the Honour of our State, fabricated by a Mass. and R. I. Delegate, was this moment rejected by all the States present, Rh. I. only excepted and New Hampshire divided.³ It has served to shew a clear alteration of Sentiment, with respect to Vermont; and leaves an opening to introduce some Motion in favour of those our distressed and much injured Fellow Citizens: but nothing which promises salutary Effects can be hazarded in so thin a Congress. . . .

Be pleas'd . . . to hurry on Hamilton and Floyd my worthy Colleagues.

Reprinted from Burnett, *Letters*, 6:541–42, from a document located in the New York State Library before the Albany fire of 1911.

¹ Duane probably drafted this letter on November 14, the date Congress rejected the Vermont report which Duane indicates occurred "this moment" and which is entered on the journals of the 14th. See *JCC*, 23:723–26; and James Madison's *Notes of Debates*, November 14.

² Perhaps, "pernicious."

³ See note 1.

James Madison to Benjamin Harrison

Dear Sir

Philada. Novr. 15th.

I send you as a peice of information of which you will be the best judge of the use to be made, an extract of a letter laid before Congress by the Secy. at War:

Extract of a letter from G^l Irvine to the
Secy. at War dated, Fort Pitt Ocr. 28. 1782¹

"Short as the time is since the accounts came into this Country that the Savages were to be called in & restrained by the British, the people are in great numbers flocking over the Ohio into what has hitherto been called the Indian Country & are busy in taking up & improving lands as well on what is supposed to be within the bounds of Penna. as beyond the Western line thereof. From the avidity with which they act on this occasion & the industry used by some few to persuade the people to form new States, I am of opinion that unless Congress & the several States, (who have unsettled lands within their limits) immediately take measures for securing them neither the U. S. nor any particular State will reap much advantage from them. Notwithstanding I may be mistaken in this opinion yet I think it my duty to mention the matter. if you think it worthy the attention of Congress, you will doubtless inform them. I will write the Council of Penna. on this subject, as I have reason to think they hope to pay much debt with the lands west of the Ohio."²

To this I may add a report that the inhabitants of this State West of the Alleghany Mountains are openly proceeding towards a separation of Govt. It is certain that they have for some time had such a scheme in contemplation.

I have the honr. &c.

J Madison

RC (NjP). Reprinted from Madison, *Papers* (Hutchinson), 5:276–77.

¹ This extract of Gen. William Irvine's letter is in PCC, item 149, 2:71–72. Harrison submitted Madison's letter to the Virginia House of Delegates on November 25, 1782. *Letters of Virginia Governors*, 3:386–87.

² See Samuel Wharton to William Trent, November 13, note 4; and Samuel Wharton to George Read, November 17, 1782, note 2.

David Howell to Welcome Arnold

Sir,

Philada 17 Nov. 1782.

Yours of 4 Inst. came to hand last evening by Dr P. Bowen. The rejection of the Impost by *the Independant* 54 is an event highly pleas-

ing to me & will eventually redound to the credit of our State & I hope to the benefit of the whole Union.¹

That this important vote was passed after such a perfect understanding of the subject, with so much deliberation & with entire unanimity are circumstances which bid defiance to all future attempts from the advocates of that measure.

I am sorry you forgot to mention in yours the names of the Committee appointed to write a Letter to Congress on the Subject. Without knowing their names a suitable Letter cannot be written to them & after your next to me I fear it will be too late to address them. You will please to write them not to assign the withholding the Back Lands as a reason.

That reason was better calculated to influence the State than to satisfy Congress—And besides, New-York cession of claims has been accepted & that business got into a good train.

I wish to receive the Instructions you mention as soon as possible,² my stay being short.³

The Load of ill will, jealousy & envy drawn on me, by the part I have taken in this affair has placed me in a very disagreeable Situation. The approbation of the well informed & virtuous of my constituents in addition to that of my own Conscience has hitherto sustained me & is all I expect.

Pray give my respects to those in your present circle, if any, to whom I have the Honor to be known; & believe me to be with singular esteeme, Dear Sir, your most obedient & very humble Servt,

David Howell

[P.S.] Dr Arnold's respectful Comps. & good wishes attend you.⁴

RC (Phi: Dreer Collection). Addressed: "The Honble Welcome Arnold Esquire, Trenton. To the Care of Honble Mr. Houston."

¹ Howell was referring to the vote in the lower house of the Rhode Island assembly unanimously rejecting the proposed five percent impost amendment (actually by 53 rather than 54 representatives), official notice of which reached Congress on December 12. See *JCC*, 23:788–90; and Staples, *Rhode Island*, p. 399.

² For these delegate instructions from the Rhode Island Assembly, see Bartlett, *R.I. Records*, 9:612.

³ However, Howell's departure was delayed when he was subsequently charged with violating Congress' secrecy rules, undoubtedly in large part in retaliation for his role in marshalling Rhode Island's opposition to the impost amendment. See Howell to John Carter, October 16, note 2; and Jonathan Arnold to William Greene, December 18, 1782.

⁴ Postscript in the hand of Jonathan Arnold.

David Howell to Theodore Foster

Dear Sir,

Philadelphia 17 Nov. 1782.

Yours of 29 Ult. came duly to hand by Dr P. Bowen, last evening. I hope, Sir, your apprehensions about the approaches of Tyrans

advancing upon us are removed in some measure by the decided conduct of our Independent House of Assembly. Long may the Independent 54 be remembred as the incorruptible Patriots of 1782!

I am highly pleased with your Sentiments in regard to the propriety, tendencies & effects of the Impost (of execrable memory) I hope those worthy Sentiments may not only generally prevail in the present day but be transmitted to posterity. With this view I suppose you have undertaken the course of periodical publications you mention; I heartily wish you success in so good a cause. Was it in my power to aid you in the undertaking I should do it with pleasure.

The printers here are not fond of republishing pieces against 5 per Cent. Some I have procured to be republished, & shall solicit a place for pieces in this way as opportunity & circumstance may permit & justify. You will see the Bayman, The Countryman & the 1st. No. of the Freeholder republished here.¹ I have attempted to get thoughts on 5 per Cent published here,² but they have not yet made their appearance in any papers I have seen; Several copies having been sent me, I dispersed them among the members of Congress by which means they have been generally reced. Some Gentlemen in this City highly approve of them & reprobate the Scheme of a revenue by a Continental impost in unequivocal terms. The Confederation is gaining credit.

I wish much joy to the Rev'd Doctor on his intermarriage with such an agreeable Lady. His opinion about an impost shews that he once lived in New Port.

You mention a curious speech of a member of Assembly in a neighboring State. That a Massachusetts-man should be willing to trust in God & Mr Morris is nothing strange. The Citizens of our State have always been used to think for themselves & act accordingly.

By the 1,200,000 Dolrs tax the ice is broke. The intrest of our domestic debt is apportioned to the States. When we shall find ourselves able to pay any part of the principal, it ought to be done in the same way. A great national debt, national taxgatherers, national duty collectors & national Contstables would be national scourges & prove in the issue our national ruin.

Dr Arnold joins me in the most respectful compliments to yourself & good Lady & am, Sir, your most obedient & very humble Servt,

David Howell.

RC (RHi: Foster Papers). Addressed: "Theodore Foster Esquire, Providence."

¹ The "1st No. of the Freeholder," which was "A Vindication of the State of Rhode Island and Providence Plantations, for not having granted the Five per Cent. Duties, recommended by Congress, February 3, 1781," written by Foster, was originally published in the *Providence Gazette* on October 26, 1782, and reprinted in the November 16 issue of the *Pennsylvania Journal*. Subsequent numbers of "A Freeholder" also appeared in the *Providence Gazette* on November 2 and 9.

Pseudonymous pieces by "A Bayman" and "A Comturyman" had appeared in the *Providence Gazette* on August 24 and September 21, 1782, respectively.

² A reference to an anti-impost essay that was printed by the publisher of the *Providence Gazette*, John Carter, as a "Supplement" to the *Gazette* on October 19, 1782, and also as a nine-page pamphlet under the title *Thoughts on the Five per Cent*, for which see Evans, *Am. Bibliography*, no. 17,742.

Samuel Wharton to George Read

Dear Sir,

Philadelphia, 17th November, 1782.

I wrote you a few days ago,¹ but, as the Chief Justice is going to New Castle, it affords me an opportunity of conveying the latest public papers.

News we have little that can be relied upon, except a person is come from General Green's camp, and says that the 10th of November was publicly fixed for the total evacuation of Charleston. Part of the stores, and some part of the garrison, and some of the inhabitants are sailed for St. Augustine. All the British, he asserts, are to go to New York, and the Hessians to Nova Scotia.

It is said a vessel, arrived after a short passage from Jamaica, came to anchor at Sandy Hook, and the captain proceeded to New York. Immediately Sir Guy Carleton and Admiral Digby called a council of war, which lasted nine hours, and then the captain of the vessel returned to it, and she immediately sailed. Some say that she went to the British fleet cruising near Gardner's Island, with orders for it to proceed immediately to Jamaica, as the governor of that island was very apprehensive of an immediate attack from a large force of French and Spaniards. This, I apprehend, is all conjecture, for I think the French and Spaniards would not diminish their European fleet until the fate of Gibraltar was decided. Indeed, it is alleged, but, I believe, without any the least probability, that it had surrendered to the besiegers. It is also asserted, upon better foundation, that Lord Howe had not departed from England, the 27th of September; if so, it affords some grounds to suppose that the garrison of Gibraltar could not long resist the very powerful attack of the French and Spanish army by sea and land.

The settlers to the westward of the Alleghany Mountain have declared that the country within that space is independent of Pennsylvania, and they are fast settling the lands westward of the river Ohio. This important circumstance was communicated to Congress and the government of Pennsylvania on Friday last, and the Council and Assembly of this State, and [they will] have a conference upon this intelligence to-morrow.² Many, of both bodies, are of opinion that this State would be large enough if it was confined to the Alleghany Mountain, and it would be wisdom to acquiesce in the proposition of an independent State, if it was founded upon the admission of the rights

of such as have just claim. Congress could now decide the measures of the new government; but, if the affair is neglected for any length of time, it will be as unmanageable as that of Vermont, which has been and will be fruitful of much vexation to the National Council.

Our friend, the President of this State,³ is extremely desirous of having an interview with you, and therefore has desired me to write to you and know whether you would be so obliging as to give him a meeting at Chester, some day, in about a fortnight or a few days later, as he wishes much to talk to you upon some important matters. He proposes to stay only one night at Chester, and the next day to return, in order that you may not be detained longer than one night from your family. I must desire you to do me the favor of giving me an answer, by Mr. McKean, to this request, and that you would fix the day of meeting, and place, if any should be more agreeable to you than Chester, somewhere not far from it, in this State.

My wife and children desire to be affectionately remembered to Mrs. Read, and your children.

I am, most sincerely, your faithful friend, Samuel Wharton.

MS not found; reprinted from William T. Read, *Life and Correspondence of George Read* (Philadelphia: J. B. Lippincott & Co., 1870), pp. 373–74.

¹ See Wharton to Read, November 10, 1782.

² The Pennsylvania assembly voted on November 19 to send “one or two proper persons” to their western counties “to bring over our deluded fellow Citizens to a proper sense of their Duty.” On the following day the assembly passed an act declaring any attempt to organize a new state within Pennsylvania’s boundaries to be “an act of high-treason.” See *Pa. Archives*, 1st ser. 9:666–67; *Pa. Council Minutes*, 13:430, 489; and the *Pennsylvania Packet*, November 30 and December 7, 1782.

³ That is, John Dickinson.

Ezra L’Hommedieu to George Clinton

Dear Sir.

Philadelphia Novr. 17. 1782.¹

By the last Post² I transmitted to your Excellency a Copy of a Report (relative to the New Hampshire Grants) which has since been taken up, and the inclosed Copy of the Journals will shew how far Proceedings have been had thereon.³ Only Seven States being present, and Rhoad Island being determined to push a Decision on the second Resolve, and perhaps to give it a Negative, without any Amendment or suffering it to be committed, we were under the Necessity of calling for an adjournment, between one & Two oClock, which succeeded. Since that Day we have not been able to make a Congress, but tis expected Tomorrow or next Day Eight or Nine States will be represented, when we shall endeavour a Substitute for, or an amendment to the second Resolution, which is so cold & pusalanimous, that

should it pass in its present form I fear it would do more hurt than good. I must however confess that I have but little Expectation that any decisive Resolution can be obtained by which the sufferers in Cumberland will be protected, and a Restoration made of the Property taken from them. We do not think there is any Necessity of Majors Shattuck & Evans tarrying longer in this expensive Place. They are already in Debt about Twenty Pounds more than they have money to pay and will want a Sum to carry them on to Poughkipsie. We having no money of our own more than our Necessities require, with the advise of Mr Rosevelt we have presumed to draw on your Excellency in favour of Colo Wardsworth, for One Hundred Dollars, which he has advanced to us for the Purpose of Paying the Debts of these People here & to enable them to return. I trust the State will approve of this proceeding as well as your Excellency. We could not see those unhappy People who had suffered so much before, be now confined for so small a Sum. They have been very prudent in respect to Expences and have behaved with great Propriety. Mr Phelps also must have some of this Money to enable him to get out of Town. Colo Wardsworth thinks it probable that his Agents may now be indebted to the State for Flower, or that they may be glad to make a Discount for this Order (a Copy of which is inclosed). We have nothing New more than Mr. Rosevolt will inform. 'tis generally beleived that Charles Town is evacuated, but no authentic Intelligence of such an Event is yet received; 'tho it is daily expected. We expect Colos. Floyd & Hambleton will be in Town in a few Days when we shall return. If they are necessarily detained, we shall return as soon as we know what Measures will be taken in respect to the New Hampshire Grants.

I have the Honor to be with the most respectful attachment Your Excellencys most Humble Servt. Ezra LHommedieu

P.S. I am now credibly informed that the State of Rhode Island by a unanimous Vote of the Assembly have disagreed to the Impost of 5 per Cent. which will much embarris the United States in their Finances.

FC (Mr. Andrew Fiske, Shelter Island, N.Y., 1980). In the hand of Ezra L'Hommedieu.

¹ The RC of this letter, from which Edmund C. Burnett copied an extract before the New York State Library fire of 1911, was dated November 18. Burnett, *Letters*, 6:544.

² See L'Hommedieu to Clinton, November 13, 1782.

³ See *JCC*, 23:723-26; and James Duane to Clinton, November 15, 1782.

Thomas McKean to John Adams

Sir,

Philadelphia. Novemr. 18th. 1782.

This will be handed to you by Mr. Randell, a merchant formerly of

New-York; he is recommended to me by His Excellency the present President of Congress as a friend to his Country: As such permit me to introduce him to your acquaintance, which he has warmly solicited.

I have little news to communicate, and the sudden departure of the Bearer prevents your knowing what there is from me, but I shall refer you to him. You have no doubt learnt that the Enemy long since evacuated Savannah in Georgia; you may believe they have done the same by Charlestown about the Beginning of this month, tho' we as yet have no official or certain account of it. New-York is still in their possession, but we have just heard they are at present in great consternation there; the cause we can scarce form a conjecture about. Our army is better clothed, better disciplined, in better spirits and more effective than at any period of the war; Congress is still composed of virtuous men; and the people in general are such as you wish them to be. Money seems to be our greatest want, and salutary steps are prosecuting concerning it; I flatter myself funds will soon be established sufficiently productive for the public exigences, but if this should in part fail, we must rely somewhat on our Allies, our industry, œconomy & integrity.

We long to hear from you, having received no official Accounts from Europe since the 5th Septemr. The last was from Mr. Laurens. His most amiable son, Lieut. Colo. Laurens, was killed in a battle near Charlestown. You may expect soon our old friend Mr. Jefferson of Virginia at Paris, as a Commissioner of Peace.

I am, Sir, with every possible regard, Your Excellency's, most obedient humble servant,

Tho M:Kean

P.S. The army is gone into Winter Quarters.

RC (MHi: Adams Papers).

Hugh Williamson to Alexander Martin

Sir

Philadelphia November 18^t 1782

Inclosed is the Copy of a Letter that is just handed Congress by the Secretary at War.¹ You will excuse me for not having made a fairer Copy of it. The Communications of this week are not in my Tower [Tour] of Duty, but lest Mr. Nash should over look it I have sent the Intelligence as it occurs; If the assembly should sit on this season possibly this Letter may overtake them, if so I hope they will turn their attention to the Western Country; those lands are certainly in a very critical situation. The spirit of migration prevails to a high in these middle States and the Spirit of making new States is become epidemic. It is certain that many of the small states or at least many of the Inhabitants of those States encourage that spirit. They look with an

envious eye on the large States & wish to make us all of the Pigny breed. The assembly of this State have just received accounts that the Inhabitants in General over the Allegany Mountain are disposed to declare themselves Independent. There is the utmost reason to believe that the People of Vermont & their abettors in the minor States are endeavouring to persuade the People in General on the Western Waters to revolt. A Petition was some time ago handed to Congress said to be from some People on the back of Virginia, praying to be erected into a State.² On enquiry there was much reason to believe that the Petition did not originate in the Western Country & it is doubted whether three of these People had ever seen it. Having mentioned those facts, I flatter myself that you will think with me That the utmost attention is required by our State to prevent if possible any bad impressions from being made on the Citizens of the State on the Western Waters. The Spirit of our Government is so moderate & the general disposition of the Western Inhabitants is so good that I am at least convinced that our subjects will be among the last who will run riot. As the State has shewn &, I am persuaded ever will shew the utmost Inclination to gratify their wishes & provide for the Regular administration of Justice among them.

I have the honor to be,

Hu Williamson

Tr (Nc-Ar: Governors' Letterbooks).

¹ See James Madison to Benjamin Harrison, November 15, 1782.

² See Charles Thomson's Notes of Debates, August 27, 1782, note 2.

James Madison to Edmund Randolph

My dear Sir

Philada. Novr. 19th. 1782.

I find by your favor of the 8th that your occupation with the Courts has continued to be a bar to the completion of the Cypher.¹ It is very little missed however on my part as yet, the scantiness of intelligence being still unremoved. We have indeed reports without stint, but they are often most frequent when they have least foundation. Such of them as have the best title to notice, will be found in the newspapers. The proceedings of Congress for a week past have been equally unproductive of epistolary matter. For one half of the time we have failed in making a House, and the remaining half has been spent on minute objects.

Col. Bland set out on friday last.² He carried with him an official notification to Mr. J——n of his reappointment. I wrote to the latter, informing him of an excellent passage if he could be ready for it in about a month, but urging a previous visit to this place as indispensable.³ Altho' strictly speaking such a visit may not be essential, since the commission & instructions referred to in his appointment are at

the place of his destination, yet, I wish him to be made sensible of the salutary information which may here be added to them. Col. Bland also carried to the Govr. an extract of a letter from Genl. Irwin at Fort Pitt, which displays in full colours the avidity of the Western people for the vacant lands & for separate Govts.⁴ On this subject Richmond I suppose will afford better information. I take for granted that every material article of it, with the steps taken by the legislature with respect to Western affairs in general, will fall within your correspondence.

The prospect derived from the impost of 5 Per Ct. seems to be pretty thoroughly blasted by a unanimous & final veto by the Assembly of Rhode Island.⁵ This State by its Delegates (who fully represent the aversion of their Constituents to the impost) voted in Congress that 6 million of Dollars were necessary for the year 83, that 2 Million were as much as the States could raise & as ought to be required by Congress, and that applications for loans in Europe ought to be relied on for the residue.⁶ And yet they absolutely refuse the only fund which could be satisfactory to lenders. The indignation against this perverse sister is increased by her shameful delinquency in the constitutional requisitions.

The Tribunal erected for the controversy between Connecticut & Pennsa. was I hear to be opened today.⁷ The Judges who compose it are Mr. Whipple of N. Hamshire, Mr. Arnold of Rhode Island, the Chief Justice & another gentlemn. of N. Jersey & Mr. C. Griffin of Virga. Mr. Rutledge, Mr. Jones & Genl Nelson have declined the service. On the part of Penna. appear Mr. Wilson, Mr Reed, Mr. Bradford & Mr. Sergeant. Mr. Osburne assists in the capacity of Solicitor. On the part of Connecticut are deputed Mr. Dyer, Mr. Root, & Docr. Saml. Johnson. The first & the last I am told are on the spot. It is supposed that the first object of Cont. will be to adjourn the cause to a distant day on the plea that many of their essential documents are beyond the Atlantic. In a national view it is not perhaps advisable to invalidate the title of this State however defective it may be, untill a more important controversy is terminated. I will make the earliest communication of the issue of this trial. You will not forget a like promise which your letter makes with respect [to] the case lately decided by the Court of Appeals.⁸

Mr. Jones ventured yesterday for the first time since his relapse, into Congress. The Representation of Virga. untill a reinforcement arrives will be precarious. Can you give me no encouragement on this occasion from your own purposes?

RC (DLC: Madison Papers). In Madison's hand, though not signed. Madison, *Papers* (Hutchinson), 5:288–90.

¹ See *ibid.*, pp. 262–64.

² That is, Theodorick Bland left Philadelphia November 15.

³ Madison's letter to Thomas Jefferson has not been found, but for Jefferson's "reappointment" see Madison's Notes of Debates, November 12, note 2.

⁴ See Madison to Benjamin Harrison, November 15, note 1.

⁵ See David Howell to Welcome Arnold, November 17, note 1.

⁶ The October 16 vote on the requisition for 1783 was not recorded in the journals, but for the positions on state quotas taken by Rhode Island delegates David Howell and Jonathan Arnold on October 18, see *JCC*, 23:658–60, 665–69.

⁷ The court of commissioners appointed by Congress in August to meet at Trenton, N.J., on November 12 to hear evidence in the Connecticut-Pennsylvania land dispute had delayed their proceedings for a week until a sufficient number of the principals involved had gathered. See John Hanson to William Whipple and Others, August 28; Eliphalet Dyer to Jonathan Trumbull, September 25 and October 19; *Susquehannah Co. Papers*, 7:144–247; Robert J. Taylor, "Trial at Trenton," *WMQ*, 26 (Oct. 1969): 524–47; and Jefferson, *Papers* (Boyd), 6:74–87.

⁸ See Joseph Jones to Edmund Pendleton, November 12, note 3.

Samuel Osgood to John Lowell

Dear Sir,

Philadelphia Novr. 19th. 1782

The pretended territorial Limits & Boundaries of the several States will be a Source of no small Difficulty & Dispute. The constant Object of the small States will be, to lessen the Extent of the great ones. Will any then in the small States be disinterested Judges in Case they should be appointed conformably to the Confederation, to sit in Judgment upon the Limits of a large State? Should, for Instance, Massts. claim a great Part of the Territory of Country, that N. York has ceded to the confederated States, which Cession Congress or seven States say is accepted; how can she obtain a fair Decision? Not only New York, but all the States, who were in favor of that Acceptance, will be against us, from interested Motives. I see but one Way whereby Massts. can bring back the States to an Equilibrium: which is for Massts. to cede all the Land between their North & South Boundaries, Beginning Westward at the Mississippi & extending Eastward about Two hundred Miles farther than the Cession of N. York. This would leave a very large Extent of Territory to N. York & would probably be an effectual Plan to oust them, as it would be a strong Lure to the small States. It would be difficult for them with all their Policy to combat Interest.

But would this be a political Measure for Massts.? If the Chance is against her gaining Ground in that Country, it would be unwise to be at any Expence about it. But if, notwithstanding, she could throw a large Tract of Territory into the Hands of the United States to be appropriated for the Discharge of the public Debt: The Question then with Massts. must turn upon two Considerations first, What Probability there is, that such a Fund will be productive—& secondly, whether Policy points out any Necessity of restricting New York within smaller Limits.

I think it is not to be questioned, but N. York will immediately Proceed to locate the Lands now contained in their assumed Boundaries, which will not be in Favor of Massts.

It is well known that Maryland refused to confederate for several years, because that she had no Security that she should enjoy her due Proportion of the vacant Lands within the united States. Congress to obviate this Difficulty, earnestly recommended to the several States having or claiming vacant Lands, to make liberal Cessions to the united States. Virginia, N. York & Connecticut made Cessions. New York Cession was signed & executed by the Delegates of that State in Congress, the same Day that the Delegates of Maryland signed the Confederation—but was not accepted by Congress, till last October. Then a Question arose whether Congress could by the Confederation accept of the Cession of any State.

Upon this, one of the Maryland Delegates¹ made the following Observations to me. Maryland refused to confederate, till Congress recommended as above, upon the Strength or expected Success of that Recommendation, she confederated, & took the Risque of the States making Cessions upon herself. If they had made none, she would not have been released from her Obligation. But if Cessions are made, & Congress determine that they have no Power to accept of them—Maryland is not then bound by the Confederation—for Congress know what their Objections were against confederating, (those Objections are now in the Secretary's Office) & took proper Measures to remove them. But if they will not carry those Measures thro, Maryland is not to be bound by what she has done. It was not intimated to me that Maryland would withdraw in Case Congress should reject the Idea of Cessions, but only that they would have a clear Right so to do. I am not so clear in the Matter myself.

I am, dear Sir, Your most obedient Servant, Samuel Osgood

RC (DLC: Osgood Papers).

¹ Not identified; but the Maryland delegates attending Congress when the New York cession was accepted were Daniel Carroll, John Hanson, William Hemsley, and Turbutt Wright.

Virginia Delegates to Benjamin Harrison

Sir

Philada. Novr. 19th. 1782.

We had the honor yesterday of your Excellency's letter of the 8th inst.¹ on the several subjects of which we must postpone an answer untill the next mail.

We are sorry to be obliged to repeat our inability to add any intelligence relative to the negotiations for peace. Various reports prevail of the surrender of Gibraltar, but they amount to nothing more than a small degree of probability. The investiture of Jamaica is also reported, but rests on still more slender testimony. There seems to be

every proof of the evacuation of Charlestown short of an official report of it.

Col. Bland set out on Friday last for Richmond.² To his information we beg leave to refer for a full state of all precedent circumstances.

We have the honor to be with great esteem Yr. Excellency's obt. & humble servts.

Jos. Jones

J Madison Jr³

RC (DLC: Miscellaneous Manuscripts). Written by Madison and signed by Madison and Jones. Madison, *Papers* (Hutchinson), 5:288.

¹ See *ibid.*, pp. 257–58.

² That is Friday November 15. On his return home, Theodorick Bland sent the Virginia Board of Auditors on December 7 “a scale of the Actual State of depreciation as it took place in Philadelphia during the Currency of Paper Money,” with a request that the Virginia delegates’ accounts “be settled as soon as possible by the Monthly average of the enclosed Scales,” and allowing them “48/ Specie per diem” in consequence of an act of the Virginia Assembly at their last session. Continental Congress Papers, VI.

³ According to a copy of the “Rules for conducting Business in the United States in Congress Assembled” maintained by Elias Boudinot covering the period May 4, 1781, to May 15, 1783, Congress this day adopted the following additional rule which is not recorded in the journals.

“Resolved That when a Proposition consists of a negatived Resolution & a negatived Amendment, such resolution is out of order.” Emmet Collection, no. 441, NN. For the congressional rules in force at this time, see *JCC*, 20:476–82, 22:75–76.

Elias Boudinot to Lewis Pintard

My Dr. Sir

Philadelphia Novr. 20th 1782, 5 oClock PM

I have been waiting with great Impatience for the Arrival of my Family, but am disappointed. I can only let you know that I am well, & cover the Papers if I mean to improve this Post. We have some tolerable Foundation to believe that Gibraltar has surrendered, and that a large Reinforcement has arrived at Martinico.

Kind Love to Mrs. P. & Johnny—also remember me to all Friends.
Am My Dr. Sir, Yours Afftly.

Elias Boudinot

RC (MWA: Nathaniel Paine—Irving's *Life of Washington* Collection).

John Taylor Gilman to Meshech Weare

Sir,

Philada. Novr. 20th. 1782.

In my Letter of the 29th Ultimo I Informed you that the affairs of Vermont were then under Consideration, much has been said on this Subject but no Conclusion made—almost all agree that it is absolutely Necessary to make a final determination of the matter, but are at a loss to know what is best to be done.

Mr. White as well as myself is very desirous that we may have particular Instructions from the State on this Subject.¹

I Inclose you Copy of a Resolution of Congress Accepting the Cession made by New-York—the Cession made is on the printed Journals of March 1781.²

Yesterday the Subject of Settling with the Army for Depreciation of Pay &c. was under Consideration, the propriety of Such settlements being made by the United States, and not by the States Individually was much Urged. I think it is probable it will be determined this day;³ as New Hampshire has agreed to & already made some settlements with their Troops to Jany 1st 1782 Mr. White & my Self are desirous that it should be recommended to the several States to make the Settlements to that time but whether this will be done is Quite uncertain, I think it is most probable it will not.

Have no News here, no late accounts from Europe, the Report of the Day is that Gibraltar is taken, but the accounts are not Such as may be depended on. It seems to be the prevailing Opinion that our Enemy Intend to relinquish the Idea of carrying on the War on this Continent, perhaps with Intentions to prosecute it with more Vigor against our Allies. I think if they are reasonable men they have had hard fate Enough to discourage them from a further pursuit of the American War.

My last letter from you was of the 30th Sept. My Letters in General are of little Consequence yet it is very agreeable to be informed whether they reach you or not.

I Inclose a Paper of this day and Have the Honor to be, Your most Hum. Servt.
John Taylor Gilman

RC (Nh-Ar: Weare Papers).

¹ Gilman and White acknowledged the receipt of such instructions in New Hampshire Delegates to Weare, December 11, 1782.

² See *JCC*, 19:208–13, 23:694.

³ This day Congress referred to the superintendent of finance a “letter of 30th October from the Secretary at War as relates to the pay of the army,” and two days later a recommendation that the individual states undertake responsibility for the pay and depreciation of Continental troops to March 1, 1781, which would have extended the states’ responsibility to their troops beyond the August 1, 1780, date agreed upon August 12, 1780. *JCC*, 17:725–26, 23:745, 749–50. For Superintendent Morris’ December 3 report to Congress on this recommendation, which threatened his policy of retaining Continental authority over the settlement of Continental Army pay claims, see Morris, *Papers* (Ferguson), 7:150–52, 579–84.

James Madison’s Notes of Debates

Wednesay Novr. 20th. [1782] ¹

Congress went into consideration of the Report of A Committee consisting of Mr. Carrol, Mr. McKean & Mr. Howel on two Memorials

from the Legislature of Pennsylvania.² The Memorials imported a disposition to provide for the Creditors of the U. S. within the State of Penna. out of the Revenues allotted for Congress, unless such provision could be made by Congress. The Report as an answer to the Memorials acknowledged the merit of the public Creditors, professed the wishes of Congress to do them justice; referring at the same time to their recommendation of the Impost of 5 PerCt. which had not been acceded to by all the States; to the requisition of 1,200,000 Drs. for the payment of one years interest on the public debt; and to their acceptance of the territorial cession made by N. Y. After some general conversation in which the necessity of the Impost as the only fund on which loans could be expected & the necessity of loans to supply the enormous deficiency of taxes, were urged, as also the fatal tendency of the plan intimated in the memorials, as well to the union itself, as to the system actually adopted by Congress, the Report was committed.³

A motion was made by Mr. R——g——e, 2ded. by Mr. W——m——s——n⁴ to instruct the committee to report the best mode of liquidating the domestic debts, and of obtaining a valuation of the land within the several States, as the Art. of Confederation directs. The first part of the instruction was negatived, provision having been previously made on that head. In place of it the Superintendt. of Finance was instructed to report the causes which impede that provision.⁵ The 2d. part was with[d]rawn by the mover. A committee however was afterwards appointed, consisting of Mr. Rutledge, Mr. Nash, Mr. Duane, Mr. Osgood & Mr. Madison, to report the best scheme for a valuation.⁶

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:293–94.

¹ Immediately preceding this entry Madison wrote: "No Congress till Novr. Monday 18. Tuesday 19] The Journals sufficiently explain the proceedings of these days."

² The first of these memorials, dated August 28, petitioned Congress for overdue payments on loan certificate interest and other debts owed Pennsylvania citizens. It was referred to a grand committee on August 30 whose November 1 report was assigned to Daniel Carroll, Thomas McKean, and David Howell, a committee which was also given a November 12 memorial of the Pennsylvania General Assembly essentially renewing the appeal. The committee's November 18 report was apparently taken up in Congress this day, although it is not mentioned in the journals. See *JCC*, 23:539–40; and *PCC*, item 69, 2:413–20, item 185, 3:39, 47, item 186, fols. 65, 66. The committee's report is not in *PCC*.

³ Congress assigned the Pennsylvania assembly's memorials to a new committee, consisting of Carroll, Howell, Thomas FitzSimons, James Duane, and David Ramsay (Howell and Duane were later replaced by Nathaniel Gorham and Alexander Hamilton), which did not report until January 30, 1783. See *JCC*, 23:275n.2; *PCC*, item 186, fol. 68; and Madison's Notes, December 4, 1782, note 4.

⁴ That is, John Rutledge and Hugh Williamson. Rutledge's motion was not entered in the journals, nor has a copy been found in *PCC*.

⁵ For Madison's motion on instructions to Robert Morris, see Madison, *Papers* (Hutchinson), 5:293.

⁶ In response to a motion made by David Howell and seconded by Joseph Jones, Congress directed the committee to establish "a mode for estimating the value of land &c." The report of the committee, on which Abraham Clark had replaced James Duane, was submitted on January 6 and taken up on the 9th, for which see PCC, item 186, fol. 68; and Madison's Notes, January 9–10, 1783.

Samuel Osgood to John Lowell

Dear Sir.

Philadelphia Novr. 20th. 1782

Yesterday the Report of the Committee on the Allowance to be made to Governor Hancock was before Congress—it was postponed at my Request. The Allowance reported, you may remember, is about 2000 Dollrs. I wish you could give me some Information on this Matter.¹

We have now no Court of Appeals in the united States. Mr. Paca is appointed Governor of Maryland & has accepted the Appointment. I shall write you more on this Head hereafter.²

We are in suspense about Gibraltar. Capt'n. Decatur Arrived here the 18th in 28 Days from Teneriffe—and says that Letters recd. in that Island from Cadiz mention that Gibraltar surrendered the 17th of September—But less Credit is to be given to this News, as the Ship Alexander arrived with you, left L'Orient the first of October & had not heard of the Surrender, which Mr. Marboise, thinks must have been the Case if the Surrender had taken Place on the 17th of Sepr.—he says the News must have arrived at Paris in six or seven Days at farthest. It is reported in New York that the Surrender is made, & it is said there is considerable Confusion in the City, but whether it arises from the Surrender of Gibraltar, or from the Marquis Bouille's having said for the West Indies with seven or Eight thousand Troops which is said to be true—is uncertain. A short Time will give us the Truth of the Report. I recd. a Letter from Doctr. Holten this Week—in which he informs me that he expects to be here with Mr. Gorham by the middle of December next.³

I am, Dear Sir, your most obedient Servant, Samuel Osgood

RC (DLC: Osgood Papers).

¹ For the settlement of John Hancock's accounts as president of Congress, which had been referred to the superintendent of finance with Hancock's letter to Congress of May 6, 1782, see Morris, *Papers* (Ferguson), 5:391–92. Hancock was awarded \$3,248 in specie, March 31, 1783. *JCC*, 24:219–20.

² For Lowell's nomination and selection as a judge of the admiralty court of appeals, see Osgood to Lowell, December 4, and Elias Boudinot to Lowell, December 11, 1782.

³ Nathaniel Gorham, who signified acceptance of his appointment as a delegate in a November 15 letter to Governor Hancock, arrived to take his seat in Congress on December 12. Samuel Holten returned to Congress on February 4, 1783. See Revolutionary War Letters, 204:295, M–Ar; and *JCC*, 23:786, 24:107.

Samuel Wharton to John Cook

Sir,

Philadelphia November 20th. 1782.

I did myself the Honor of writing to the Council and House of Assembly on the of last Month, and advised Them, That Congress had accepted the Cession of New York; ¹ I flatter myself these honorable Bodys received that Communication before They adjourned. On the seventeenth Instant, I was favoured with the Commands of the two Houses, conveyed to Me by Mr. Booth, in a Letter dated the 6th of this Month. In the Absence of my Colleagues, I acquainted the president and several Members of Congress, with the purport of the joint Resolutions of the Council and Assembly, and they were of Opinion That their Desire was reasonable, and That it would be best to delay presenting the Resolutions; and moving, That the State of Delaware should be credited by the United States with the Money &c. furnished the Officers & Soldiers of the Delaware Regiment, Until your Delegates were possessed of the Account of particulars. If you approve, Sir, of this Measure, I beg leave to solicit the Favor of You to direct the State Treasurer to transmit to your Delegates an Account, as expressed in the second Resolution of the honorable Council and Assembly, dated the 31st of October 1782.²

Congress is yet without any Advices from their Ministers in Europe, and remain uninformed of the real Intention of the British, in Respect to the Evacuation of Charles Town; But from Circumstances, They are disposed to think that Event has taken place.

The State of Rhode Island has refused to comply with the earnest Recommendation of Congress, relative to the five per Centum Duty upon Foreign imported Goods &ca., although ³*all* the States have vested the United States in Congress assembled, with the power of levying that Duty for the purpose of discharging the principal and Interest of the National Debts already contracted, or which may be contracted, On the Faith of the United States, for supporting the present War.

The Assembly of Rhode Island, I hear, ground their principal Objection against passing such a Law for the above End, upon the Clause in the 8th Article of the Confederation, which provides, That "a common Treasury shall be supplied by the several States in proportion to the Value of all Land within each State granted to, or surveyed for any Person, as such Land, and the Buildings and Improvements thereon shall be estimated" &ca.

Effective Taxes upon real Property, Experience has taught every Citizen of the United States, are extremely burdensome, and difficult to collect, and at the same Time not sufficiently productive, nor paid with that Exactitude, necessary for the pressing and constant Demands of the Financier, exclusive of those of the very urgent and

distressed Creditors of the Union. Besides How is the Credit of of the United States to be maintained with our domestick Friends, and Foreigners, and How improbable is it, That The Latter will lend their Money when They know, That the United States have not a Power in Themselves to inforce the Collection of any, not Even sufficient to pay the Interest of the Money, which They may lend? If the Refusal of Rhode Island continues, and it is too probable it will, I fear the most unhappy Consequences will result from their unseasonable Pertinacity. I have the Honor to be, with great Respect, & Consideration, Sir, Your most Obedient and most humble Servant.

Saml. Wharton

RC (De-Ar: Executive Papers). Addressed: "To The Honorable John Cooke Esqr., Vice President of the State of Delaware."

¹ Wharton actually sent this information in his November 2 letter to the Delaware Assembly, but see also Wharton to Cook and Simon Kollock, October 23, 1782.

² By this "second Resolution" of October 31, the Delaware delegates had been instructed "to urge in Congress the Propriety of crediting the State with the Monies already advanced" by the state's treasurer to Delaware's Continental troops. See *Delaware Assembly Proceedings*, p. 102.

³ Wharton inserted an asterisk at this point, to which he keyed the following explanation at the bottom of the letter. "I have used the Words, '*all the States*,' as Congress have the strongest assurances, That the state of Georgia will as soon as the Legislature meets, pass an Act to vest in that Body, a Power to levy the Duty of 5 Per Ct. upon all imported Goods &c."

Elias Boudinot to Robert Morris

Sir.

Philadelphia 21st Novm 1783 [1782]

I lately informed you that Mr. Hanson had spoke to Mr. Way for a Coach; on Conversing with him on the subject he informed me that if he made it with a Crane Neck and finished it properly he must have 500£ for it, he would do it without delay—a few days afterwards, Information was brought me, that the most elegant Coach in the Town was to be sold much Cheaper than a new one could be now had for; I sent for Mr. Way & prevailed on him to go & Examine it for me; on his return Acknowledged that it was one of his own make, had been used but a few times and exceeded anything he could now make for want of such materials & it had actually cost him 500£. he consenting

Mr. Hanson when I made Application as a purchaser agreed for it at 300£. including a new sett of Harness & putting on the Publick Arms—I have also agreed for a pair of Horses & wine for the Family both Maderia and Claret—The Payments are to be made in 20 days; I thought it best to give you this early notice of it that you may not be called on unexpectedly for the Money; The whole will be about 600£. If the old Coach was advertised for sale perhaps it would bring 150£. as it has a Crane Neck. I have got the silver from the Treasurer Con-

sisting of knives forks & spoons to the amount near 100 oz but they by no means suit my purpose except the desert spoons (which are only large teaspoons) & three (?) doz large spoons But as there is neither Tea Pott or Coffee Pott in the House I think they had best be exchanged or sold for those necessary pieces of Plate.¹

I am yours &c.

E. Boudinot.

MS not found; reprinted from Boudinot, *Life and Letters*, 1:272-73.

¹ No response from Morris to this letter has been found, but the president's steward, Richard Phillips, drew a warrant for \$1,600 from the Continental treasurer on November 28 "for the purchase of a Coach with Harness compleat, One pair of Horses, One Pipe of Madeira Wine and Two Hogsheads of Claret for the use of the said Presidents family." Treasury Waste Book D, p. 122, RG 217, DNA.

James Madison's Notes of Debates

Thursday Novr. 21. [1782]

A report was made by a Committee to whom had been referred several previous reports & propositions, relative to the salaries of foreign Ministers, delivering it as the opinion of the Committee that the Salaries allowed to Ministers Plenipo. to wit £2500 Sterlg. would not admit of reduction; but that the Sal. allowed to Secretaries to legations, to wit £1000 Sterlg. ought to be reduced to £500. This Committee consisted of Mr. Duane, Mr. Izard & Mr. Madison, the last of whom disagreed to the opinion of his colleagues as to the reduction of the £25,00 allowed to Ministers Plenipoy.¹

Agst. a reduction it was argued that not only justice, but the dignity of the U. S. required a liberal allowance to foreign Servants; that gentlemen who had experienced the expence of living in Europe did not think that a less sum would be sufficient for a decent style; and that in the instance of Mr. A. L. the expences claimed by him & allowed by Congress exceeded the fixed salary in question.

In favor of a reduction were urged the poverty of the U. S. the simplicity of Republican Governments, the inconsistency of splendid allowances to Ministers whose chief duty lay in displaying the wants of their constituents and soliciting a supply of them: and above all, the policy of reconciling the army to the œconomical arrangements imposed on them, by extending the reforms to every other Department.

The result of this discussion was a reference of the Report to another Committee consisting of Mr. Williamson, Mr. Osgood & Mr. Carroll.²

A motion was made by Mr. Howel, 2ded by Mr. Arnold, recommending to the several States, "to settle with & satisfy at the charge of the U. S. all such temporary corps as had been raised by them respectively with the approbation of Congress." The repugnance which

appeared in Congress to go into so extensive & important a measure at this time, led the mover to withdraw it.³

A motion was made by Mr. Madison, seconded by Mr. Jones, "That the Secy of F. Affairs be authorized to communicate to Forn. Ministers who may reside near Congress, all such articles of Intelligence recd. by Congress as he shall judge fit, & that he have like authority with respect to acts & Resolutions passed by Congress; reporting nevertheless the communications which in all such cases he shall have made. ["]"⁴

It was objected by some that such a Resolution was unnecessary, the Secy. being already possessed of the authority; it was contended by others that he ought previously to such communication, to report his intention to do so; others again were of opinion that it was unnecessary to report at all.

The motion was suggested by casual information from the Secy. that he had not communicated to the French Minister the reappointment of Mr. Jefferson, no act of Congress having empowered or instructed him to do so.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:298–99.

¹ For the work of this committee and the "previous reports & propositions" it may have considered, see *ibid.*, p. 299n.1.

² Rumors of peace delayed the report of this committee until April 28, 1783, for which see *JCC*, 24:312; and *PCC*, item 186, fol. 69.

³ The copy of this motion in *PCC*, which is in the hand of Jonathan Arnold, was endorsed by Secretary Thomson: "Mr Howells Motion, Novr 21. 1782. Withdrawn." See *PCC*, item 36, 1:429; and *JCC*, 23:748.

⁴ See Madison, *Papers* (Hutchinson), 5:295–97, 300n.10.

Elias Boudinot to Lewis Pintard

My dear Sir,

Philadelphia Novr. 22d 1782

I have not been able to get time to write, till it is so late, that I have but little Heart for the Business.

My Rib with her Cavalcade arrived here last Evening abt. 7 oClock, where I had been waiting for two or three Evenings hearkening to the Noise of every Carriage that passed. I am under great Obligations to you for all your Labours of Love, in aiding them off. I am glad to hear that you are not much troubled with *Horned Cattle* with you, & especially that Hanny is so fortunate, as to get rid of such dangerous Animals, before she comes to a Town where they are tolerable plenty. So much for *Horned Cattle*.

Hanny informs me that, one Cow is to be sent down to Pangburn, the other two was to be left with you. The oldest Colt, Hanny says Mr. Price offered £20 for. I beg you will let him have it & take his Bond for the money (unless he can pay the Cash) payable in a reasonable Time with interest. The Mare Colt is half Elisha's and as I have kept her now

3½ Years, Josey must carry her to him and leave her there. The Young Colt must also be sent to Elisha & he must agree with Mr Burrows to keep him for me. The two Horses I know not what to do with them—I am swamped. If you can sell either of them for £25, or both for double the Sum, do take it. I should wish Josey to go home to his Mother, if these affairs were all settled, but I must leave this to you. As to the fat Cow, Hogs, Corn &c do with them as you Please, what you do not want, sell for the best Price in Cash you can including the Hay also—but sell a Stack of the Hay at a Time, least it should be spoiled, what remains of a Stack I mean. If the Horses cannot be disposed of, I wish Elisha to get some Person to take them at a certain Price but to keep them well—but don't let them go till you know something certain about them; as some Persons are easily imposed on. Hanny left a Box of Sweet meats behind. These with the Japanned Tea Waiter & my Camp Candlesticks which are in the Chest of Drawers upstairs (Jude knows them) we beg to be sent by the first safe Conveyance.

As to Cent per Cent, he means to take you in. I suspect if you attempt to withdraw your Cash, he will alter his Tone. Much more may be made of the money, by lending it to a Person who understood it was here—but his offer is better than nothing. The sending for the goods would be no bad Scheme, unless Peace was at Hand, which I still hope & expect. I believe you will be obliged to come here for Instructions at last—there begins now a Clamour to know why the Commrs do not go on—and it is alledged here that the Salary is not high enough.

Mr F—— pays nothing, at which am much surprised, wish you would write him very pressingly. I fear it is in a bad way, and yet it is almost impossible. My kind Love to Mrs. P. & Johnny. Patty sends Love &c as do all the rest. As to the Hay you engaged to take at the Buildings, that may remain there as tho' you had never said any thing about it, as I never mentioned it to any Body—this can be done as you please.

I scarcely know what I write.

I am my Dr Sir, Yours most Afftly

Elias Boudinot

[P.S.] Remember me particularly to Capt Dennis, Mr Livingston & Capt. Prince.

Young Mr Ludlow told Hanny if I would take his Bond for the Money, he would give me £30 for Sukeys Mare, if he agrees to it he shall have her, but would rather he took the young Horse.¹

RC (PHi: Boudinot Papers).

¹ Boudinot also wrote Pintard the following brief letter on the 27th. "I have nothing new to communicate, having wrote you fully by Josey, and having a Farrago of Company just coming in to dinner.

"I begin to think the scheme of sending for Goods will be a very good one—a few days however will settle the matter. I wish you to begin your Office. I am so plagued by the Women's dressing all around me, that I am most crazy." "[P.S.] Love to Mrs. P & Johnny, Mr Livingston, Dennis &c &c. It is whispered that the Bank of England has failed—but I doubt." Miscellaneous MSS (Boudinot). NHi.

James Madison's Notes of Debates

Friday Novr. 22. [1782]

A considerable time previous to this date a letter had been recd. by Congress from Mr. H. Laurens informing them of his discharge from captivity, and of his having authorised in the British Ministry, an expectation that Earl Cornwallis sd. in return be absolved from his parole.¹ Shortly after a letter from Doctr. Franklin informed Congress that at the pressing instance of Mr. L. and in consideration of the offer of Genl Burgoyne for Mr. L. by Congress, as well as the apparent reasonableness of the thing, he had executed an instrument setting Cornwallis at liberty from his parole, untill the pleasure of Congress should be known. These papers had been committed to Mr. Rutledge, Mr. Montgomery & Mr. M[adison] who reported in favor of the ratification of the measure, against the opinion however of Mr. R. the first member of the Committee.² The Report after some discussion had been recommitted & had lain in their hands, untill being called for, it was thought proper by the Committee to obtain the sense of Congress on the main question whether the act sd. be ratified or annulled; in order that a report might be made correspondent thereto.³ With this view a motion was this day made by Mr. M[adison], 2ded. by Mr. Osgood that the Committee be instructed to report a proper act for a ratification of the measure.⁴ In support of this motion it was alledged, that whenever a public minister entered into engagements without authority from His Sovereign, the alternative which presented itself was either to recall the Minister, or to support his proceedings, or perhaps both; that Congress had by their Resolution of day of refused to accept the resignation of Mr. L. and had insisted on his executing the office of a Minister Plenipo. and that on the day of they had rejected a motion for suspending the said Resolution;⁵ that they had no option therefore but to fulfil the engagement entered into on the part of that Minister; that it would be in the highest degree preposterous to retain him in so dignified and confidential a service, and at the same time stigmatize him by a disavowal of his conduct and thereby disqualify him for a proper execution of the service; that it was improper to send him into negotiations with the Enemy under an impression of supposed obligations; that this reasoning was in a great degree applicable to the part which Doctr.

Franklin had taken in the measure; that finally the Marquis de la Fayette, who in consequence of the liberation of Cornwallis had undertaken an exchange of several officers of his family, would also participate in the mortification; that it was overrating far the importance of Cornwallis, to sacrifice all these considerations to the policy or gratification of prolonging his captivity.

On the opposite side it was said that the British Govt. having treated Mr. L. as a Traytor not as a Prisoner of war, having refused to exchange him for Genl Burgoyne, and having declared by the British Genl at N. York that he had been freely discharged, neither Mr. L. nor Congress could be bound either in honor or justice to render an equivalent; and that policy absolutely required that so barbarous an instrumt. of war, and so odious an object to the people of the U. S. should be kept as long as possible in the chains of captivity; that as the latest advices rendered it probable that Mr. L. was on his return to America, the commission for peace would not be affected by any mark of disapprobation which might fall on his conduct; that no injury could accrue to Docr. Franklin, because he had guarded his act by an express reservation for the confirmation or disallowance of Congress; that the case was the same with the Marquis de la Fayette; that the declaration agst. partial exchanges⁶ untill a Cartel on national principles sd. be established wd. not admit even an exchange antecedit. thereto.

These considerations were no doubt with some the sole motives to their respective votes. There were others however who at least blended with them, on one side, a personal attachment to Mr. L. and on the other, a dislike to his character, and a jealousy excited by his supposed predilection for G. B., by his intimacy with some of the new Ministry, by his frequent passing to & from G. B. by the eulogiums pronouncd on him by Mr. Burke in the House of Commons, and by his memorial whilst in the Tower to the Parliamt. The last consideration was the chief ground on which the motion had been made for suspending the resolution which requested his continuance in the Commission for peace.

In this stage of the business a motion was made by Mr. Duane, 2ded. by Mr. Rutlidge to postpone the consideration of it; which being lost, a motion was made by Mr. Williamson to substitute a Resolution declaring that as the B. Govt. had treated Mr. L. with so unwarrantable a rigor & even as a Traitor, and Cornwallis had rendered himself so execrable by his barbarities, Congress could not ratify his exchange.⁷ An adjournment was called for in order to prevent a vote with so thin & divided a house.⁸

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:302-3.

¹ For Laurens' May 30 letter, see Charles Thomson's Notes of Debates, September 16-17, 1782.

² For this committee's appointment and September 25 report, see *JCC*, 23:606-7; *PCC*, item 186, fols. 56, 58; and Madison, *Papers* (Hutchinson), 5:163-66.

³ The report was recommitted on September 26, reconsidered on November 21 and again recommitted. See PCC, item 186, fols. 59, 69.

⁴ See Madison, *Papers* (Hutchinson), 5:301.

⁵ For this September 17 resolution and the September 20 motion for its suspension, see *JCC*, 23:584–85, 593; and Charles Thomson's Notes of Debates, September 19 and 20, 1782.

⁶ For this October 16 "declaration," see *JCC*, 23:661.

⁷ The motions of James Duane and Hugh Williamson are not mentioned in the journals for this day, but Williamson renewed his motion on November 25 when it was, according to Charles Thomson's endorsement, "Got rid of by dividg the question." See *JCC*, 23:753; PCC, item 19, 3:457–58; and Madison's Notes, November 25, note 4.

⁸ Following this entry Madison wrote, "No Congress till Monday Novr. 25."

Samuel Osgood to John Lowell

Dear Sir.

Philadelphia Novr. 23d. 1782

We have this Week had Debates in Congress upon two Subjects of great Importance; I flatter myself, that some of the Observations contained in this Letter, will not be unacceptable. One, was the Necessity of a speedy Liquidation of the Accounts of the several States with the united States. The other was, respecting the Mode prescribed by the Confederation, to ascertain what proportion each State in the Union ought to bear in the Requisitions for Money. The Debates arose upon the Report of a Committee upon a Memorial of the Assembly of Pennsylvania, respecting Interest due on public Securities. To satisfy the State, the Committee observed, That Congress had taken Measures to obtain an Impost, That they had lately accepted the Cession of Land from New York—And as to the Liquidation & Adjustment of Accounts, they referred the State to the Act of Congress of the 20th of Feby. last. This Report was attacked from several Quarters, but from none so warmly as from South Carolina.

Mr. Rutledge observed, that the first Thing taken Notice of, could afford no Satisfaction to the State; for we had not obtain'd the Impost; & if we had, the Amount of it must be appropriated to the Discharge of the Interest on the foreign Loans. Those Loans must be placed on safe Ground. Our Honor & future Interest will require it. As to an Impost, he lik'd it very well in this View. But what does it signify to be constantly talking about an Impost—& placing our whole Dependence upon it? have not Rhode Island lately declared unanimously that they will not grant it? & consequently no State has granted it. As to the accepted Cession of Land, it was an idle chimerical Notion, to suppose that, that would afford any Hope or Satisfaction to our Creditors. He had no Faith in it: It would prove to be nothing, but another South Sea, or Mississippi Scheme. Besides, what Right have those to the Land who made the Cession. It is my clear Opinion, that they have none at all. Why should we deceive ourselves, by hoping or expecting any Aid from it—surely we ought not.

As to referring the Assembly to the Act of Congress of the 20th of Feby. they were already possess'd of it. But it will not do to pass over this Matter so lightly. We must know the Reason why the Intention of that Act is frustrated. It is in vain to tell us that Commissioners cannot be obtained for fifteen hundred Dollars per Year to go to the several States & liquidate the Accounts. But if they cannot, (which I cannot suppose to be the Case) the Accounts must be adjusted & the Act must be made more effectual. This is the first Thing to be attended to. It is the general Complaint of a great Number of the States, that they have large Accounts against the Continent unadjusted. This Adjustment is absolutely necessary, as we cannot provide Funds for our Debts, till we know the Amo. of them. The Obstructions therefore, must be examined into & removed immediately. The next Step is to ascertain the Proportions of the several States according to the 8th Article of the Confederation. Why is this only constitutional Mode of calling for Money delayed? It is true that some Part of some of the States, is in the Hands of the Enemy. But it is probable, that a Part of New York only, will be so in a short Time. But if it was otherwise, it is no Reason for our not pursuing the Mode pointed out to us. It is the only sure Ground on which we can stand. It is said not to be a good Mode. But will the States unanimously alter it? No they will not. What can Congress then do? Nothing but to pursue the Plan prescribed to them. When they have obtained a Valuation of the States, & the Amount of the Debts due to their own Citizens, they can call for the requisite Sums of Money with Authority. Here they stand on safe Ground And I have no doubt either of the Ability or Intention of the United States, to discharge all their Debts honestly. It is in vain to think to force the smallest State in the Union into Measures which they dislike. The Confederation has not given to Congress an Impost, Excise, or Pole Tax. Nor can they speak authoritatively on these Matters to the States. There will be many Difficulties undoubtedly in obtaining a Just Valuation of the States—and I am of Opinion, that a better & much easier Mode, would have been, to have made Numbers the governing Rule of Proportion, including Whites & Blacks; there is no good Reason why Blacks should not be included. But there is only one Way left us—& notwithstanding it is attended with Difficulties, I don't conceive them insurmountable. We must make the Attempt, & I have no doubt we shall succeed, so far as to obtain a Valuation. It may not be a true one; perhaps this is impossible in the Nature of Things—But we must at all Events obtain the best we can.

These Observations are so nearly conformable to my own Sentiments, that I thot it better to give you the Purport of Mr. R's than my own. He appears to me very liberal & disinterested.

The Report of the Committee was recommitted, in order to remove the Obstructions in the Way of a speedy Settlement of Accounts. A Committee was appointed to Report a Plan for taking a Valuation.

Whilst this Matter was debating, I tho't I discovered an Indifference in some of the Members towards a speedy Liquidation of Accounts. The first Part of the Motion was, to Report a more effectual Mode for the Settlement of Accounts. This was opposed & negatived. The other Part of the Motion, being a Direction to the Committee to Report a Plan for taking a Valuation. Mr. R. withdrew it. He said he wanted no Valuation, if there was to be no Adjustment of Accounts. This bro't about an Accommodation. The first was recommitted; & the second was committed. I am on the last, & have been enquiring for the Laws of Massatts. to see our Valuation Acts but cannot find them. They know very little about such Acts this Way.

I am induced to beleive that the 8th Art. of the Confederation is favourable to Masstts. provided we can obtain a Valuation as nearly Right,¹ as we have Reason to expect. A View of the Number of Square Miles in each State will enable you to form a Judgment upon the same Principles that I do. But whether the Rule is equal or unequal, is not the Question. It is the *only Rule* & we shall obtain no other, unless upon a fair Experiment it is clearly found to be altogether inadequate to our national Purposes. It is as preposterous, as vain & trifling, to be constantly exclaiming against the Confederation, because it has not vested Congress with a Power of Taxing & coercing &ca. Let us try it's full Strength before we pass a hasty Judgment upon it. Altho the Powers are not competent to all Things—Time may discover such latent Powers in the Confederation, as may in vain be wished to be altered.

I have taken considerable Pains to collect from the Maps, the Extent of the several States in the Union. I find the Claims of the united States make a Square of Eight hundred & forty two Miles on every Side. In this View, I think it is as near the Truth as can be expected. The Sum total of the following Number of Square Miles set against the several States &ca will give a Territory of the above Dimentions.

Square Miles

New Hampshire	10,425	21 ²	40 ³
Old Colonies of Masstts. & Plymouth as now limited	8,750		
Eastern Country	20,000	56	160
Rhode Island	2,700	5	24
Connecticut	5,100	10	111
New York	70,560	141	45

New Jersey	6,625	13	55
Pennsylvania	39,000	78	150
Delaware	1,750	4	14
Maryland	10,350	21	110
Virginia	138,000	276	145
N. Carolina	63,000	126	74
S. Carolina	70,000	140	60
Georgia	54,000	<u>108</u>	<u>12</u>
New York Cession	126,000	1000	1000
A Tract of Country West of Pennsylvla. between N.Y. & Virgina.	<u>84,000</u>		
Square Miles	710,260		
	<u>640</u>		
	28,410,400		
	<u>426,156,0</u>		
No. of Acres	454,566,400		

You will observe that the Wealth & Strength of Masstts. is contained in a comparatively small Territory.

I have enclosed you too much for once: I am afraid you will Think that I am unreasonably tedious: I doubt not your Goodness will induce you to pardon an Error which has cost me some Labor & Trouble. I am very much pleased to find by a Letter recd. by this Weeks Post from the State directed to their Delegates that they seem to be alarmed about their Territory. Two other Letters also came to hand by the same Conveyence. I was much pleased with all of them. They are Letters well wrote upon very important Subjects. The State have assigned their Delegates a Task to answer fully all their Queries respecting old Money. But it is such a one, as whilst I am here, I shall attend to with great Pleasure & Satisfaction. I will as soon as possible forward the best Account I can collect.

Novr. 26th next Monday is assigned for choosing two Judges of the Court of Appeals.

Genl. Lincoln has favoured me with the reading a letter of his to you. You will find some Sentiments Similar in our Letters. They did not arise from any previous Knowledge or Conversation between us.

I am, Dear Sir, Your most obedient Servant,

Samuel Osgood

RC (DLC: Osgood Papers).

¹ Article eight of the Articles of Confederation specified that Continental expenses were to be defrayed "in proportion to the value of all land within each state, granted to or surveyed . . . as such land and . . . improvements thereon shall be estimated." *JCC*, 19:217.

² Osgood explained these figures in the margin: "The middle Column is proportioned by the Number of Square Miles in each State."

³ Osgood wrote in the margin: "This is the Proportion of the States to a 1000 in the Two last Taxes or Requisitions of Congress."

Elias Boudinot to William Livingston

Dear Sir,

Philadelphia, Novr. 25th. 1782

The Bearer, the Revd. Mr. Barlow, author of a manuscript Piece designed for the Press, entitled "The Vision of Columbus," has earnestly solicited a Letter of Introduction to your Excellency,¹ who he wishes to wait on, as he passes through Trenton.

As I know your Excellency is fond of Men of Genius & Literature, I beg leave to recommend him to your Notice. The Specimens of this Performance, which have been communicated to Gentlemen of Taste in this City, have done him great honor.

I have the Honor to be with every Sentiment of respect & Esteem,
Your Excellency's Most Obedt. Hble Servt, Elias Boudinot

RC (NN: Livingston Papers).

¹ Joel Barlow (1754–1812), chaplain of the 4th Massachusetts Brigade, was in Philadelphia soliciting Subscriptions in support of a long philosophic poem he had been working on since 1779, which was finally published under the title *The Vision of Columbus; A Poem in Nine Books* (Hartford: Hudson and Goodwin), with a 12-page list of subscribers, in March 1787. See James L. Woodress, *A Yankee's Odyssey. The Life of Joel Barlow* (Philadelphia: J. B. Lippincott Co., 1958), pp. 51, 74–77, 85–89.

James Madison's Notes of Debates

Monday Novr. 25. [1782]

A letter from the Lt. Govr. of R. I. was read containing evidence that some of the leaders in Vermt., and particularly Luke Nolton who had been deputed in the year 1780 to Congress as Agent for that party opposed to its independence but who had since changed sides, had been intriguing with the enemy in N. Y. The letter was Committed.¹ See Nov. 27.

The consideration of the motion for ratifying the discharge of Cornwallis was resumed.² Mr. Williamson renewed his motion which failed.³ Mr. McKean suggested the expedient of ratifying the discharge, on condition that a General Cartel should be acceded to. This was relished at first by several members, but a developement of its inefficacy and inconsistency with national dignity stifled it.

A motion was made by Mr. Rutledge, 2ded. by Mr. Ramsay, that the discharge should be ratified in case Mr. L.⁴ should undertake the office of Commissioner for peace. This proposition was generally considered as of a very extraordinary nature, and after a brief discussion withdrawn.⁵

In the course of these several propositions most of the arguments stated on friday last were repeated. Col. Hamilton⁶ who warmly & cogently espoused the ratification, as an additional argument mentioned, that some intimations had been given by Col. L.⁷ with the p[r]ivity of Genl. W. to Cornwallis previous to his capitulation, that he might be exchanged for his father, then in the Tower.

The Rept. of the Committee of Mr. M. motion on the 21 inst. relative to Secy. of F. Affairs, passed without opposition.⁸

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:315–16.

¹ Lt. Gov. Jabez Bowen's letter, containing an affidavit from Christopher Osgood accusing Vermonters of conspiring with the British, had been sent to Washington who enclosed copies in his November 19 letter to Congress, which was referred to a committee chaired by Samuel Osgood. See *JCC*, 23:753n.3; and *PCC*, item 186, fol. 70. For the committee's report, see Elias Boudinot to Washington, and Madison's Notes, November 27, 1782.

² See Madison's Notes, November 22.

³ *Ibid.*, note 8.

⁴ That is, Henry Laurens.

⁵ John Rutledge's motion was clearly "withdrawn" this day, according to Charles Thomson's endorsement, although Gaillard Hunt inadvertently entered the motion under November 26 in his printed edition of the journals. See *JCC*, 23:754; and *PCC*, item 36, 1:443.

⁶ New York delegate Alexander Hamilton, who had taken his seat in Congress this day. *JCC*, 23:750–51.

⁷ That is, Col. John Laurens, Henry Laurens' son.

⁸ For this Madison motion, see Madison, *Papers* (Hutchinson), 5:295–97.

James Madison's Notes of Debates

Teusday Novr. 26. [1782]

No Congress but a Grand Committee composed of a member from each State.¹

The States of N. H. & Masts. having redeemed more than their quotas of the Emissions prior to the 18th of March 1780, had called on Congress to be credited for the surplus, on which the Superintendent of Finance reported that they ought to be credited at the rate of 1 Dollar specie for 40 of the sd. Emission, according to the act of March aforesaid.² This report being judged by Congress unjust as the money had been called in by those States at a greater depreciation, was disagreed to. Whereupon a Motion was made by Mr. Osgood, that the States who had redeemed a surplus should be credited for the same according to its current value at the time of This motion with a letter afterwards rcd. from the State of Mass. on the same subject, were referred to the grand committee in question.³

The Committee were unanimous that Justice required an allowance to the States who sd. sink a surplus, to be apportioned on the deficient States; The different expedients suggested were

1. That Congress sd. renew their call on the States to execute the Acts of the 18th of M. 1780 and leave it to the states to level the money by negotiations among themselves. This was Mr. Hamilton's idea. The objections against it were that either nothing wd be done in the case or the deficient States wd. be at the mercy of the hoarding States; altho' the former were perhaps prevented from doing their part by invasions; & the prosperity of the latter enabled them to absorb an undue proportion.

By Mr. ⁴ It was proposed that Congress should declare that whenever it sd. appear that the whole of the bills emitted prior to the 18th of M. 1780 shall have been collected into the Treasuries of the several States, Congress wd. proceed to give such credit for any surplus above the quotas assigned as equity might require, and debit the deficient States accordingly. In favor of this expedient it was supposed that it would give a general encouragement to the States to draw the money outstanding among individuals into the public treasuries, and render a future equitable arrangemt. by Congress easy. The objections were that it gave no satisfaction immediately to the complaining States, & would prolong the internal embarrassments which have hindered the States from a due compliance with the requisitions of Congress.

It was lastly proposed by Mr. Fitzimmons that the Commissioners appointed to traverse the U. S. for the purpose of settling accounts should be empowered to take up all the outstanding old money and issue certificates in place of it, in specie value, according to a rule to be given them by Congress, the amount of the certificates to be apportioned on the States as part of the public debt. The same rule to determine the credit for redemptions by the States. This proposition was on the whole generally thought by the Committee least objectionable and was referred to a sub committee composed of Mr. Rutledge, Mr. Fitzimmons & Mr. Hamilton to be matured & laid before the GC.⁵ One consideration suggested by Mr. H.⁶ in favor was that it would multiply the advocates for federal funds for discharging the public debts, and tend to cement the Union.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson). 5:321–22.

¹ That is, the grand committee appointed July 22 "to take into consideration and report the most effectual means of supporting the credit of the United States." See *JCC*, 22:407–8. See also Charles Thomson's Notes of Debates, July 31; and John Witherpoon's Draft Resolution, September 6, 1782.

² For Robert Morris' September 7 report, see Virginia Delegates to Benjamin Harrison, August 27, 1782, note 2.

³ For Samuel Osgood's September 18 motion and the Massachusetts General Court's October 21 letter to Congress, see Madison, *Papers* (Hutchinson), 5:323nn.3, 5, and 6.

⁴ At a later date Madison inserted his own name.

⁵ For this subcommittee's report to the grand committee, see Madison's Notes, December 7, note 2.

⁶ That is, Alexander Hamilton.

James Madison to Edmund Randolph

My dear Friend

Philada. Novr. 26th. 1782

The Governor in his letter to the Delegates of the 8th of the prest. month,¹ after observing that the great scarcity of cash in Virga. will put it out of her power to comply with the demands of Congress, unless the Financier will accept Tobo. in payment, desires us to sound the latter on that subject. We accordingly called on Mr. Morris, and to our astonishment were told that a proposition to this very effect, and to the amount of {sixty thousand dollars}² had been a considerable time {lying before the executive}, that his Agent had been instructed to {allow the current price} and that he wished to have obtained {the tobacco} because it could be immediately sent under a {fortunate convey to Holland where} its influence on {public credit might be} critical and important.³ Either therefore Mr. M. must have been basely {deceived by his agent} which can {hardly be supposed or the governor must in the first place} have rejected a fair {offer and in the next} imposed {on us a very} nugatory and {awkward negotiation}.⁴ As we concealed from the Superintendt. that our enquiries originated with {the governor he} escaped {the risk to} which he had {exposed his} character {with that minister}. I cannot pass over this circumstance without a lamentation on the {obloquy which Virginia} brings {on herself by} submitting to be {eclipsed by} even {the} feeble {efforts of other states}. The monthly {lash of the} Receiver's proclamation, which has {roused so many other states} into {some degree of emulation} has produced {no effect on her}. In our conversation with Mr. M. we were indeed told that Mr. {Webb} had a prospect of {between two and three thousand dollars}. But if any thing can add to the mortification which {we feel at the receipt of nothing} it will be {the receipt of so beggarly a sum}. I confide therefore that there is at least {enough of pride in the state to prevent it}.

We are likely to have on our hands near 200 souls carried from Kentucky about 2 years ago into captivity in Canada, and lately discharged by the Governor of that Province.⁵ A part of them are already arrived. They are all in great distress and have been enabled to proceed this far only by the benevolent provisions of the Commander in cheif. Humanity will not suffer us to leave them unassisted with the means of reaching their homes, or at least their State. But whence are the means to be derived? To draw bills for a sufficient sum without warrant, and even without a certainty that they *can* be honoured is a very painful experiment. To resort to the Coffers of Congress into which we shall probably be reminded that not a single shilling has been contributed by Virga. in favor of Citizens too whose misfortunes will be traced up to disrespect to recommendations of Congress, will be far from relieving our feelings.⁶ Having not yet con-

ferred with my Colleague⁷ the subject, the result of these perplexities is uncertain.

For want of something more interesting, I will epitomize for you the proceedings of Congress on Friday last.⁸ I have already informed you, if my recollection does not fail me, that Congress long since recd. a letter from Mr. H. L. informing them of his di[s]charge from captivity, and of his having authorized an expectation in the {British ministry that} Cornwallis should {in return be discharged from his parole}. Shortly after a letter from Doctr. F. acquainted Congress that at the pressing instance of Mr. L. in consideration of the {power given him to} exchange B——g——e⁹ for him and of the reasonableness of the {thing he had executed an} instrument setting Cornwallis at full liberty, untill the pleasure of Congress should be known. These papers had been committed, and the Committee had reported a {ratification} of the instrument. After some debate a recommittment took place. In this state the business remained untill the day abovementioned, when in order to satisfy some members who had called for a report, and to enable the Committee to adapt their report to the sense of Congress, a motion was made to instruct the Committee to report a proper act of {rati.} &c. On this motion the merits of the case, which as connected with our national character may be deemed of some moment, fell under general discussion. In support of the motion it was argued that whenever a public Minister entered into unauthorized engagements, the only alternative which presented itself to the Sovereign, was either to {ratify the engagements} or {to recall the minister} unless indeed he should prefer both: that Congress, having even refused {to permit the minister} in question {to decline} his {appointment} had therefore no {option left but to support him in what} he had {taken upon himself}: that nothing could be more {preposterous} than to detain him in so dignified & confidential a service, and at the same time to degrade him in the estimation both of his friends and enemies, by a {public disavowal of his} conduct: that it was particularly improper to {send him into} negociations with {the latter} under the impression of {supposed obligations to them}; that a part of this reasoning was applicable to the part which Dr. F. another {minister had taken in the measure}; that the Marquis de la Fayette who in consequence of the liberation of Cornwallis had with the approbation of the Ministers, undertaken an exchange of several of his family, would {also participate in the mortification}; that finally it was greatly overrating the importance of Cornwallis to {sacrifice all these} considerations {to the policy or gratification of prolonging his} captivity.

On the adverse side it was said that the British Govt. having treated Mr. L. not as a prisoner of war but as a Traitor, having refused to exchange him for Genl. B——g——e when the offer was made, and having declared by the British commanders at N. Y. that he had been *freely* discharged, neither Mr. L. nor Congress could be bound either

in honor or justice, to render an equivalent, whilst policy strongly inculcated that so barbarous an instrument of war and so odious an object to the people of the U. S. should be held as long as possible in the chains of captivity; that as the latest advices rendered it probable that Mr. L. was at this time on his return to America, the dignity of the Commission for peace could not suffer from any mark of disapprobation which might lie on his public conduct; that Doctr. F.'s character was guarded against injury in the case by an express reservation in his act for the allowance or disapprobation of Congress; that the same might be said with respect to the Marquis de la Fayette; that the solemn declaration made by Congress agst. any partial exchanges untill a cartell should be established on national principles would not admit even of a ratification of an exchange antecedent to that declaration.

These were the ostensible reasons for the opposite opinions on this question. We may well suppose however, that with some members at least they were secretly corroborated, on one side by {personal attachment to} Mr. L. and on the other by a dislike {to his character and a distrust excited by circumstances} which I some time ago related to you. It is to be observed at the same time that several members who admitted the force of this last consideration, were led by the arguments first stated, to oppose the opinion of those who urged it. The Question was at length suspended at the request of some new members who wished for further information.¹⁰ There is some reason to believe that it will be followed by an attempt to {rescind the appointment}.

The obstinacy of Rhode Island in rejecting the Impost, is a subject of very general and {pointed crimination} not only among {the public creditors and their friends} who deem it equivalent to a {denial of justice} but among the most {enlightened patrons of the fœderal interests} who pronounce it a {blow to our credit abroad} as well as {our future credit at home}. And in truth who can combine this consideration with the paltry {payments on the last requisition of Congress and not shudder at the prospect}. This obstinacy on the part of R. I. is supposed, on good grounds, to be much {cherished by the} limited manner in which other {states have acceded to the impost} from which she infers a latent repugnance to the measure. Would it not then be prudent {in Virginia to} revise and {enlarge her act of compliance}? If {her example} should prove {less efficacious} than might {be wished} it would at least {have a conciliating effect on other states and gain her general credit}. I see no possible objection; unless indeed, she wishes the {plan to be frustrated}; in which case I can only give it as my firm opinion that a thorough knowledge of public affairs would speedily

reconcile her to it. If your own ideas correspond with those here expressed, and the temper of the Legislature be not unfavorable, you will give such suggestions as may be best adapted to the object, and make them the subject of a future paragraph.

The copiousness of your favor of the 16th¹¹ is a flattering presage of legislative communications. The reply of Mr. Jefferson to Mr. M——s's queries¹² is more accessible than you were aware. I have had a perusal of it, and have taken a few extracts. All therefore that will be necessary on your part will be to specify your commands. A transcript of the entire work I presume might be obtained, but it is too voluminous for any other pen than a hired one, to wh. perhaps objections might arise from delicacy. My extracts would have been fuller had I not taken it for granted that Mr. J. had retained a copy of which I might hereafter avail myself.

A letter from Genl W. of the 19th informs Congress that the residue of the B. fleet was about leaving N. Y. that 25 transports had arrived there from Quebec prepared before their sailing for the reception of troops, and that he had recd. thro' two channels intelligence that troops were actually embarking, altho' he cd. not vouch for it. Another acct. had also arrived of the evacuation of Charlestown, the foreign troops having gone to Halifax & the British to the West Indies.

Col. Hamilton took his seat in Congress yesterday as a Delegate for the State of N. Y. Mr. Peters, Mr. Fitsimmons & Genl. Mifflin have attended some days as members for Pennsa.¹³

RC (DLC; Madison Papers). In Madison's hand, though not signed. Madison, *Papers* (Hutchinson), 5:328–32.

¹ See *ibid.*, pp. 257–58.

² Words printed in braces in this text were written by Madison in the official Virginia cipher.

³ See Morris, *Papers* (Ferguson), 7:102.

⁴ Morris' agent, Daniel Clark, had not yet made an offer to Harrison, but after he did so in early December the Virginia Council authorized the release of 800 hogsheads of tobacco to George Webb, the Continental receiver of taxes. See *ibid.*, 6:419n.1, 7:102n.9; and Madison, *Papers* (Hutchinson), 5:381n.2.

⁵ That is, Sir Frederick Haldimand.

⁶ See *ibid.*, p. 332n.7.

⁷ Joseph Jones.

⁸ See Madison's Notes of Debates, November 22, 1782.

⁹ That is, Franklin had considered his authority to exchange Burgoyne sufficient authorization to exchange Henry Laurens for Cornwallis.

¹⁰ See Madison's Notes of Debates, November 25, 1782.

¹¹ See Madison, *Papers* (Hutchinson), 5:280–82.

¹² That is, the marquis de Barbé-Marbois. See *ibid.*, pp. 7–14.

¹³ Pennsylvania delegates Richard Peters and Thomas FitzSimons had taken their seats on November 18, Thomas Mifflin on the 20th. See *JCC*, 23:726, 739.

Virginia Delegates to Benjamin Harrison

Sir

Philada. Novr. 26th. 1782

In answer to your Excellency's letter of the 8th¹ as far as it relates to Capt. Pierce, we inclose the late Acts of Congress making further reductions in the army, with the remarks of the Secy at War on the operation of these acts in the case of that officer.² In the latter will also be found such information as the War office affords on the subject of cloathing for the Virginia troops.

In pursuance of your request we sounded the disposition of the Superintendent. of Finance as to an acceptance of Tobo. from Virginia at the current prices in place of cash. His reply was that his Agent in consequence of instructions from him had made a proposition to that very effect to the amount of 60,000 Dollars, which had been lying some time before the Executive unanswered.³

A letter of the 19th instant from Genl. Washington informs Congress that another account had been received at N. York of the evacuation of Charleston, the British part of the Garrison having proceeded to the West Indies, & the remaining part to Halifax; that the last division of the British fleet was about leaving N. York; that 25 transports from Qu[e]bec prepared before their sailing for the reception of troops, had arrived at that place, and that intelligence had come to him through two channels for which however he could not vouch, that an embarkation was actually on foot.

Among the captives lately discharged from Canada and now returning to their several homes are included we understand near 200 of men, women and children, who belong to the Kentucky and other back settlements of Virginia. A few of them have already reached this place through the benevolent assistance of the Commander in chief. On the application of the Secretary at War Congress have authorised such further assistance as will convey them to their own State. The letter from the Commander in chief above referred to speaks of a number of captives from the same quarter being brought to N. York in the transports from Quebec, and the same account is given by those now here.⁴ If the case of the latter had not been taken up when it was, it would have necessarily devolved on the hands of the Delegates. But although we have escaped this perplexity, it is not improbable that those who may be sent out from N. York may be thrown upon us, in which case draughts on the Treasury will we foresee be unavoidable. To resort to the Treasury of the U. S. for a supply would probably be unsuccessfull, and would certainly lead to remarks which need not be pointed out to your Excellency. We take the liberty of mentioning these circumstances, as well that the Treasury may be apprised of the contingent demand upon it, as that we may know the will of the State in this and similar cases.

Your Excellency's letter of the 16th⁵ will be answered by the next mail.

We have the honor to be with sentiments of our respect Yr.
Excellcy's Obt & hble servts,

Jos. Jones

James Madison Jr.

RC (Vi: Continental Congress Papers). Written by Madison and signed by Madison and Jones. Madison, *Papers* (Hutchinson), 5:324–25.

¹ Ibid., pp. 257–58.

² For these November 19 and 20 resolutions reducing the army, copies of which are also in the Continental Congress Papers, Vi, and Benjamin Lincoln's November 22 letter to Madison, see *JCC*, 23:736–40; and Madison, *Papers* (Hutchinson), 5:305–6.

³ See the preceding entry, note 4.

⁴ Quartermaster General Timothy Pickering, who was then in Philadelphia, had recently communicated with the Virginia delegates on this subject, for which see Madison, *Papers* (Hutchinson), 5:314–15.

⁵ Ibid., pp. 278–79.

Elias Boudinot to George Washington

Dear Sir,

Philadelphia November 27th. 1782

Your Excellency's several favours of the 30th October, 1st & 19th Instt. which have come to hand since I had the honor of filling the Presidents Chair, have been duly laid before Congress.¹

You will believe me Sir, when I assure you, that the Correspondence & Communication which my office necessarily opens with your Excellency, are among the few special Advantages & agreeable Engagements, which I promise myself, during my continuance in so arduous a Station.

I feel myself greatly honored by your Congratulations, and rank them among the few that have given me real Pleasure.

Altho' the present State of our Affairs, do not raise my Expectations of being able to give your Excellency any Intelligence worthy your attention, yet be assured Sir, as far as it shall be in my Power, I shall most freely communicate from time to time, whatever may promise the least information or amusement; hoping for a like return, however it may prove more advantageous or entertaining to me.

Congress having come to a Resolution relative to the several Matters in Osgoods deposition, your Excellency will recieve a Copy thereof by this Post. It was generally thought necessary to communicate the reasons of this Proceeding to the Persons exercising the executive Power in that district, but least a proper secrecy should not have been observed, previous to the arresting of the Delinquents, the time & manner of such Communication, is altogether left to your discretion.²

I have the honor to be, with Sentiments of the most sincere Respect
& Esteem, Your Excellency's Most Obedt & most Hble Servt,

Elias Boudinot

RC (DI.C: Washington Papers).

¹ These letters, which were read in Congress on November 4, 8, and 25 respectively, are in PCC, item 152, 11:17-36. The first and last of these are also in Washington, *Writings* (Fitzpatrick), 25:307-8, 350-51.

² The enclosed November 27 resolve directed Washington to apprehend Luke Knowlton and Samuel Wells of the New Hampshire Grants because they were reported to have been "in a dangerous correspondence and intercourse with the enemy." Their communication with the enemy, especially the royal attorney general of New York, William Smith, had been the subject of the deposition of Christopher Osgood of Providence, which was sent to Washington by the deputy governor of Rhode Island, and had been referred to committee with the injunction "To be kept secret." Osgood's deposition was also the catalyst for Congress' follow-up resolve of December 3 directing that the executives of New Hampshire, Massachusetts, Connecticut, and New York be furnished with a copy of "Osgood's declaration, in order that they may have due information of the treasonable practices with which some of their subjects are charged." See JCC, 23:756, 760-61; PCC, item 19, 3:397-99; Washington, *Writings* (Fitzpatrick), 25:352-53; and Boudinot's letters of December 11 to Thomas Chittenden and to Washington.

David Howell to Silas Talbot

Dear Sir,

Philadelphia 27 Nov. 1782.

Yours of Nov. 4th is before me—Sd answered it sooner had your account been settled.¹ I send you a copy of the State of your account. Your certificate for the ballance 1340 53/90 Dollars bears intrest from the 19th Instant. I shall bring it with me on my return, which I expect will be in a few days.

Enclosed I return you all the Letters & papers in your case.

For Depreciation on your nominal pay you are to apply to the State agreeably to the resolve of Congress.

Your accounts have been settled on similar principles with others no particular favour could be obtained in your case. Your case is hard but you have fortitude to bear it. Money is not to be had.

I could wish to have served you in this, which to you is an affair of Consequence, in such a manner as to have better justified your *long prepossession in my favour*; what I could, I have done & hope it will give you Satisfaction.

Please to present my regards to all friends & let them know I hope to see them soon. I am Dear Sir, your Friend & humble Servt,

David Howell.

RC (CtMyHi: Talbot Papers). Addressed: "Lieut. Colonel Silas Talbot, Providence."

¹ See Howell to Talbot, October 23, 1782, note.

James Madison's Notes of Debates

Wednesday Novr. 27th [1782].

The report of the Committee on the letter from the Lt. Govr. of R. Island (see Novr. 25) was made & taken into consideration.¹

It was moved by Mr. McKean to insert in the first clause on the Journal, after directing the apprehension by Genl W. "in order that the sd persons may be brought to trial." The reason urged for the motion was that it might appear that the interposition was not meant to supercede civil process farther than the necessity of the case required. Agst. the motion it urged that it would lead to discussions extremely perplexing & dilatory, & that it would be more proper after the apprehension sd have taken place. The motion was lost 6 States only being for it.

With respect to the main question it was agreed on all sides that it was indispensable to the safety of the U. S. that a traiterous intercourse between the inhabitants of Vermont & the Enemy should be suppressed. There were however two modes proposed for the purpose viz the direct & immediate interposition of the military force according to the Report, and 2dly. A reference in the first instance to the acting Authority in Vermont, to be followed in case of refusal or neglect of Justice on the offenders, by an exertion of compulsive measures against the whole body.

In favor of the 1st mode it was sd. that it would be the only effectual one & the only one consistent with the part Congress had observed with regard to Vermont; Since a reference to the Authority of Vermont which had itself been suspected & accused would certainly be followed at the best by a mere mock trial; and would more over be a stronger recognition of its independence than Congress had made or meant to make.

In favor of the 2d mode it was alledged that the body of the people in Vermont were well attached to the Revolution, that a sudden march of military force into the Country might alarm them, that if their Rulers abetted the Traitors, it wd. disgrace them in the eyes of their own people, and that Congress would be justified in that event to "split Vermont up among the other States." This expression as well as the arguments on this side in general came from Mr. Howell of R. I. whose object was to render the proceedings of Congress as favorable as possible to the Independence of Vermont.

In order to compromise the matter Mr. Arnold moved that the Commander in chief sd. be directed to make a previous communication of his intentions & the evidence on which they were founded to the persons exercising authority within the district in question.

It was suggested by Mr. ² as a better expedient that he sd. be authorized to make the communication if he should deem it conducive to the more certain apprehension of the suspected persons.

The Delegates from N. Y. said they would agree that after the apprehension should have been effected, the Commander might give notice thereof to the Persons exercising authority in Vermont.

It was finally compromised as it stands on the Journal.³

In the course of the Debate Mr. Clark informed Congress that the Delegates of N. Jersey could not vote for any act which might oppose forces to the Authority of Vermont, the Legislature of that State, having so construed the Resolutions of the 7 & 20th of Aug. as to be incompatible therewith & accordingly instructed their Delegates.⁴

The communication directed to the States on this occasion thro' the Commander in Chief was objected to by several members as an improper innovation. The object of it was to prevent the risk of discovery, if sent before the plans which might be taken by Genl W. were sufficiently advanced, of which he was the proper Judge.⁵

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:334-35.

¹ See Madison's Notes, November 25, note 1.

² At a later date Madison inserted his own name.

³ See Elias Boudinot to Washington, this date, note 2.

⁴ For this November 1 declaration of the New Jersey assembly, see the *Journal of the Proceedings of the Legislative Council of the State of New-Jersey* [October 22-December 26, 1782] (Trenton: Printed by Isaac Collins, 1783), pp. 11-12.

⁵ For the delay in communicating this information to the states, see Madison's Notes, December 3, 1782.

Samuel Wharton Receipt

Philada. 27 Novr. 1782

Received of Charles Thompson Esqr. The Journals of the Transactions of a Treaty held by the late Sir William Johnson &c in 1768 with the Six Nations of Indians at Fort Stanwix in the State of New York. N.B. The said Journals belong to Me; But were put with my Consent into the office of the Secretary of Congress by a Committee of Congress.¹

Saml. Wharton

MS (DNA: PCC, Miscellaneous Papers, reel 9).

¹ The identity of this committee is not known, but for the use made of Wharton's copy of the Treaty of Fort Stanwix during the trial at Trenton over the boundary claims of Connecticut and Pennsylvania, at which he appeared on December 11, along with Pennsylvania delegate Richard Peters, see *Susquehannah Co. Papers*, 7:186-87; and PCC, item 77, fol. 77. It appears that immediately upon recovering his copy of this document from Thomson, Wharton passed it on to the Pennsylvania Council, from whom he received it back on December 3 before taking it with him to Trenton. *Pa. Council Minutes*, 13:440, 442, 447. Both Wharton and Peters had attended the 1768 treaty at Fort Stanwix.

James Madison's Notes

Thursday Novr. 28th. [1782]
No. Congress.

Mr. Livingston Secy. of F. Affairs called upon me & mentioned his intention to resign in a short time his office; observing that as he ultimately was decided to prefer his place of Chancellor in N. York to the other, and the two had become incompatible by the increase of Business in the former, he thought it expedient not to return to Phila. after a visit to N. Y. which was required by this increase.¹ In the course of conversation he took notice that the expence of his appointt. under Congress had exceeded his salary abt. 3000 Dollrs. per annum. He asked me whether it was probable Mr. Jefferson would accept the vacancy, or whether he would accept Mr. Jay's place in Spain, and leave the vacancy to the latter. I told him I thought Mr. J. wd. not accept it himself & doubted whether he would concur in the latter arrangement, as well as whether Congress would be willing to part with Mr. Jay's services in the Negotiations of peace; but promised to sound Mr. J. on these points by the first opportunity.²

No Congress untill³

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:337.

¹ For Robert R. Livingston's resignation as secretary, undoubtedly because of his discontent with the narrow latitude Congress had left him for determining important policy matters in the department of foreign affairs, but also because of the expense of the office and the competing demands of his duties as chancellor of New York, see Madison's Notes, December 2 and 3; and George Dangerfield, *Chancellor Robert R. Livingston of New York, 1746-1813* (New York: Harcourt, Brace and World, 1960), pp. 177-80.

For an early instance of his protest of a congressional slight to his office, in which he prevailed against Congress in determining protocol for a public audience for the French minister La Luzerne, see Charles Thomson to Livingston, May 10, 1782, note 1.

² See Madison to Edmund Randolph, December 2, 1782.

³ That is, until "Monday Decr. 2d."

Richard Peters to John Montgomery

Dear Sir,

Philada. Nov 29 1782

I have heard you do not intend to join your Fellow Labourers in Congress 'till sometime hence.¹ Under this Idea, I hope this Letter will meet you & that you would be so good as to give me the earliest Information respecting the Affair of John Glenn. I hear the Place was certainly to be sold & I wish you to enquire of the Sheriff when & how I shall recieve the Money if the Place be sold.

We have no News from Europe. A Person is just arrived from Charlestown who confirms the Report which has long prevailed of the Intention to evacuate Charlestown which however had not actually

taken place the 4th of this Month. There are strong Probabilities of the like Intentions as to New York. Everything looks like Peace this Winter but much will depend on the Fate of Gibraltar about which every one forms their own Opinions, but none have any Certainties to proceed on. The sooner I see you the better & if you can bring me good News about my Money this will be an additional Pleasure at our Meeting.

Yours afftely,

R. Peters

RC (ICHi: Montgomery Collection).

¹ Montgomery and Peters, along with Thomas FitzSimons, Thomas Mifflin, and James Wilson, had just been elected delegates to Congress by the Pennsylvania Assembly on November 12. See *JCC*, 23:726.

Elias Boudinot to George Washington

Sir,

Philadelphia 30th November 1782.

I had the honor of writing your Excellency by the last Post, since which a Captain Reed, late of one of our Frigates,¹ arrived from Charles-Town, where he had been carried a Prisoner. He informs me that he left that Town on the 4th instant. Two divisions of Transports had sailed, one for St. Augustine, the other for Halifax, with Stores and foreign Troops—That every thing looked like a speedy evacuation of the Town. All their Artillery, except three or four, were gone and on board—The baggage of the Officers all packed and ready for embarkation—All sales forbid and the shops shut up—The transports were expected every moment from Augustine, which were to take off the last division. The Citizens of Carolina were admitted to come into the Town with flags and to search the Transports and other vessels for their Negroes. The Officers did very little duty, there being only a small guard kept up at the gates. The Captain of the Frigate in the harbour informed Capt. Reed, that they were to be all gone by the 25th instant.

Thus we are yet in uncertainty as to the final evacuation of the City, tho' under the highest probable expectation of that event. A Frigate arrived in the harbour from New-York just before Capt. Reed left it. There is an appearance of a Convention or some Agreement between Genl. Greene and the enemy, as they behaved generally as in a State of perfect security, tho' without being in any apparent state of defence. This is confirmed by a private letter, mentioning that Governor Matthews had summoned his Assembly to meet in Charles-Town in January next.

I give your Excellency this information just as I received it.

I have the honor to be, with the greatest esteem and respect, Your Excellency's Obedient & very humb. Servant, Elias Boudinot

RC (DLC: Washington Papers).

¹ Perhaps Capt. Thomas Read, who had formerly commanded the Continental frigate *Bourbon*. See these *Letters*, 8:583, 14:64, 102.

Charles Thomson to John Dickinson

Dear Sir,

[November ? 1782] ¹

The resolution about which you enquired is contained in An Act of 20 Feby. 1782 for Appointing Commissioners to settle the Accounts between the United States and each individual State & its inhabitants.² Your State was furnished with the Act at the time it passed, and as it was usual for the Assembly to pay immediate attention to the recommendations of Congress, I had no Idea when you wrote to me that the resolution you enquired about had passed so long ago.

I am, Dear Sir, Your obedt humble Servt, Chas Thomson ³

RC (PHi: Gratz Collection). Addressed: "His Excy. John Dickinson, Prest., Philadelphia."

¹ Thomson probably wrote this letter soon after Dickinson's election as president of Pennsylvania November 7, 1782, and in the context of the state's concern over the payment of Continental debts owed to its citizens, which was the subject of a November 12 memorial from the Pennsylvania Assembly to Congress. See PCC, item 69, 2:417–20; and James Madison's Notes of Debates, November 20, 1782, notes 2 and 3. For the closely related issue of the settlement of the state's Continental accounts, which was a subject simultaneously under consideration by Dickinson and superintendent of finance Robert Morris, see also Morris, *Papers* (Ferguson), 7:29–38, 54–55, 110–11, 114–15, 143–50, 214.

² See *JCC*, 22:83–86.

³ Sometime during Dickinson's presidency, Thomson also wrote the following undated note in response to an inquiry from Dickinson, which is inserted at this point simply because it may have been written early in Dickinson's presidency and contains too little information to suggest a specific context.

"Mr Thomson begs leave to inform the president that general Lincoln was called into the Continental Army by being elected major general. He had before his election commanded the militia of Massachusetts in that rank and while in the Northern Army & with the Comr in chief had recommended himself to the notice of the Comr in chief who recommended him to Congress. And consequently he was considered as brought into the Army On Account of Merit and no exception that I have heard was ever taken to the appointment." Logan-Dickinson Papers, PPL.

John Lewis Gervais to Battaile Muse

Dear Sir,

Philadelphia 2d December 1782.

I had the pleasure to receive your favour of the 15th October; & returned an answer the 29 of the Same Month ¹ by a Gentleman who went through Leesburgh. I directed the Letter to the Care of Mr. Roper, if you should not have received it yet I Suppose it will be found

at his house. I mentioned in that Letter that I was Surprized you had not heard from me Since my arrival in Philadelphia, as I had wrote to you, either by Tony, or the return of the Waggon, that brought Miss McWicker—on the 6th July.² I wrote also by both these Conveyances to Mrs Peyton³—& inclosed Some News papers. I particularly requested that the Waggon Cover which I sent Tony at his desire might be sent to Mrs. Sullivan, who had bought it with my Waggon; she has informed me, that she has not received it. I will be much obliged to you to enquire on the Subject, & request Mrs. Peyton to have it sent. With respect to the Indigo, if you think lowering the price will occasion a quick Sale—I should have no objection to retail it at One Dollar per Pound & at Whole Sale at five Shillings per Pound; nay to get rid of it I should have no objection to sell it at Four Shilling per Pound. It is a loosing bargain, but this place requires all the Money a Man can rake & Scrape. However if nothing can be done in it till the Spring we must have patience.

I also sent you the prices of Blankets, Sheeting, Irish Linen, & best Cloth—ordinary Bristol Blankets Sold sometime ago four Dollars a piece—But broad Cloath about Eight Dollars a Yard, Sheeting from five Shillings to a Dollar a yard, very good Irish Linens from one Dollar to ten Shilling a yard. If I can be of Service to you in procuring these Articles it will give me great pleasure. This gives me hope you have some Change in Contemplation I wish it may be so. If some Silks are wanted Mrs. Gervais will gladly lend her assistance.

When some of your [...] the City if they would call on me I would now [...] send you a news paper. I live in Fourth Street the Corner of Walnut Street.

We hear nothing more about peace—although by the last advices from Europe the British plenipotentiary Mr Fitzherbert Still continued at Paris—all parties Seem to wait the Issue of the Siege of Gibraltar—& there is no doubt that the present prime Minister in England Lord Shelburne is not so well inclined to acknowledge the Independence of America, as the late Marquis of Rockingham was. I should not at all be Surprized that the War shd last a Year or two longer.

Charles Town was not evacuated the 4th of November. I wish we could once hear they had entirely left it for fear, of some Counter orders. My Negroes are all in Charles Town, I hope they will not have transports enough to carry the Negroes off.

Mrs. Gervais desires her Compliments to you, Colonel, Mrs Peyton & the Young Ladies, in which I heartily Join. And am with great regard, Dr Sir, Your most Obed. Servant, John Lewis Gervais

[P.S.] When you write to me Send your Letters to Mr. Mercer at Fredericksburgh & they will get Safe to my hands.

RC (NcD: Battaile Muse Manuscripts).

¹ See Gervais to Muse, October 29, 1782.

² Not found.

³ Not found.

Ralph Izard to Nathanael Greene

Dear Sir

Philadelphia 2d December 1782.

I was favoured a day, or two ago with your Letter of 8th October, written in full confidence that the Enemy were on the point of evacuating the Town. Their words, & their actions have certainly given every reason for that opinion; & yet my mind can not be at ease until I am sure that they are gone. Had Lord Rockingham lived, the blessings of Peace would have been restored to the World. His Successor is ambitious, & treacherous, & as long as it shall be necessary to indulge the malignant heart of his Master with the effusion of human blood, the war will be continued. The most solemn assurances were given by Sr. Guy Carleton to Genl. Washington that the King of England was determined on the acknowledgment of the Independence of America, & that there was no object for the continuance of the War. The subsequent proceedings of the British Court have shewn that those declarations were founded in deception, and falsehood. We have no intelligence from Europe of any importance that can be depended on. Reports from New York say that Gibraltar has surrendered. If so, the great force which has so long been employed there, may be drawn forth, & made useful against the common Enemy. A vigorous exertion of it in the West Indies, may compel them to evacuate New York, & Charles Town.

M. de Grasse might easily have relieved the latter; & that is a subject on which I never can think without sorrow, & astonishment. The Campaign has past away to the Northward in total inactivity. The Enemy have kept with[in] their Lines, & General Washington has not been strong enough to attempt anything. A few of DeLancey's Corps took two of Sheldon's Dragoons Prisoners three, or four weeks ago. The Dragoons were sent out to their Officer, with a Letter from DeLancey, informing him that they had no orders to take any Prisoners. This, I believe, is intended to amuse, & deceive. The Season with you, I am told, has been very sickly, & that you have had your share of the Fall Fever. I am happy to hear that you are recovered, & hope that neither you, nor Mrs. Greene will have any more cause to be dissatisfied with our Climate. The next September that you pass in South Carolina, I hope will be in a spot much more healthy, within a few Miles of your late Head Quarters. Congress are exceedingly embarrassed about their Finances. The 5 per Cent duty would lay the foundation for pay-



Ralph Izard

ing the Interest due to the public Creditors. All the States have agreed to the measure, except Rhode Island, & Georgia. The latter, I expect, will acquiesce; but the Legislature of Rhode Island pertinaciously refuse to concur. When our present stock of money shall be exhausted, we can not expect that anybody in Europe will lend us more, unless proper funds [be] established for the repayment of it. Mr. Howell, the Professor of Mathematicks in Rhode Island, & Delegate in Congress from that State, has been, & still continues to be, the principal cause of our distress on this subject.

I thank you for the information you have been so good as to give me about my Plantations. Mr. Owen has not written me lately a word about them; I suppose he did not know of the opportunity. Pray present my Comps. to Mrs. Greene, & to the Gentlemen of your family. Believe me to be with great regard, & with the best wishes for your prosperity, & happiness, Dear Sir, Your most obedient humble Servt.

Ra. Izard

RC (CSmH: HM20995).

James Madison's Notes of Debates

Monday Decr. 2d. [1782]

The Secy. of foreign affairs resigned his office, assigning as a reason therefor the increase of business in his Office of Chancellor of N. Y. whereby it was become impossible for him to execute the duties of both; informing Congress at the same time as a rule for providing for his successor, that his expences exceeded his salary upwards of 3000 Dollrs. per annum.¹ The letter of resignation was committed to Mr. McKean, Mr. Osgood & — —²

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:342–43.

¹ See Madison's Notes, November 28, note 1.

² Livingston's letter of resignation, which is in PCC, item 79, 2:395–98, was assigned to a committee consisting of Thomas McKean, Samuel Osgood, and John Rutledge which reported the following day. See *JCC*, 23:759n.1; and Madison's Notes, December 3, 1782.

James Madison to Edmund Randolph

Dear Sir

Philada. Decr. 2d. 1782.

The Secy. of F. Affairs communicated to me a few days ago his determination speedily {to resign his office}.¹ He asked me in the

course of conversation whether I thought Mr. {Jefferson} would {prefer the vacancy to his foreign appointment}. I answered him in the negative. He then asked whether I supposed he wd. {accept the} commission of {Jay at Madrid in case the latter} should prefer {the secretariship of foreign affairs and be} appointed to it. I told him I could not answer that question, but doubted much whether {Congress} would {consent to part with the} services {of Mr Jay as a negociator of peace}. I wish you to mention this conversation to ² and acquaint me with the result. The want of a cypher with him will be an apology for omitting a direct communication. Thro' your hands also it may be accompanied with explanations if requisite. I leave it to yourself to decide how far it may be worth while to {feel the pulse of our friend Mclurg} with respect to the {vacancy in question}.³

Mr. Marbois apprised me the evening before last that a French {frigate will sail from this port in about three weeks and that it is probable} Ct. R——u and the Chevr. de Chatt——x {will take their passage in her than in the frigate in the Chesapeake}.⁴ If the {river} should not {be threatened with ice the time of her sailing} may possibly {be procrastinated}. Should this obstruction not take place {before the middle of January} there will {be some chance of another frigate at this port}. These circumstances may {be very interesting to Mr Jefferson and} I beg you to give him the earliest notice of them. If I cd. suppose that these & other considerations cd. leave any uncertainty as to {his coming hither} in the first instance I would press that point anew, being more & more convinced of its utility not to say necessity & finding that it is generally viewed in the same light.

I send this by Mr. Nathan who visits Richmond in pursuit of his demand agst. the State.⁵ A duplicate of it will make a part of my letter by the post tomorrow.⁶

I am my dear friend &ca.

J. M.

RC (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:343–44.

¹ Words printed in braces in this text were written by Madison in cipher. For Robert R. Livingston's decision to resign his office, see Madison's Notes, November 28, 1782, note 1; and the preceding entry.

² That is, Thomas Jefferson. See *ibid.*, note 2.

³ For Randolph's overture to Dr. James McClurg to consider becoming secretary for foreign affairs, see Madison, *Papers* (Hutchinson), 5:34n.5, 402n.34, and 6:185n.8, 280n.9. See also Madison to Randolph, February 11, 1783, note 2.

⁴ For the sailing of the comte de Rochambeau and the chevalier de Chastellux aboard *L'Emeraude* (not the *Romulus* as anticipated), then in the Chesapeake, see Madison, *Papers* (Hutchinson), 5:344n.7; and Jefferson, *Papers* (Boyd), 6:246.

⁵ Simon Nathan, for whom see Madison, *Papers* (Hutchinson), 5:344n.10.

⁶ Madison repeated the first two paragraphs of this letter in his December 3 letter to Randolph.

Hugh Williamson to James Iredell

Dear Sir:

Philadelphia, Dec. 2, 1782.

Your favor of the 13th ultimo came to hand by this day's post. The Secretary for Foreign Affairs had called on me some days ago to know what answer I had got on the subject of the memoir,¹ and, supposing that it had missed its passage, I had made out another copy which would have been sent on to-morrow. I had not recollected the circuit of courts. Of news, there is none in town, civil or military, foreign or domestic, since a foolish fellow, four months ago, blew out his brains, as a proof that he had none; or what is nearly the same thing, he killed himself, because a coquette proved to be nothing but a coquette. Since that event nobody has ever killed themselves for the amusement of the public, nor does this town produce any news! To say that balls and dances are frequent is saying little, for we have them every night. Should I say that such are the late improvements in luxury, and the true style of living, that many of the citizens have found the means of spending more in one year than they make in two, you might be surprised, for "*nemo dat quod non habet*,"² but they contrive to spend what they have not. I hope the unsociable mode of making entertainments where the face of a lady does not appear, will not reach our country.

This body is torn to pieces with factions, not Whig and Tory, but Whig and better Whig. The Tory is a third party, and I think rather more numerous than either of the others. *I become daily more in love with our own State, and should I become more in love with the ladies of our State, you would readily believe me*, especially should I give you the description of a true city lady in full dress—head, hoop, and all, but I don't love caricature; to draw after the life might obtain that name. Now that I have naturally mentioned women, pray, how is your fair kinswoman on the other side of the Sound? Is she almost half French, half American? for as the wife is half, often the better half of her husband, I suppose the husband should be half of his wife. I wish I could think of this matter with a pulse perfectly regular. But a thousand things will happen not exactly as a lady could wish, and if we are not philosophers, we ought to be. I shall hardly hear whether dances or any other amusements held you in Edenton to pass the evenings, in fact I can hear of no domestic occurrences. Nobody has ever written me whether any vessel, prize, or merchant ship, has arrived at Edenton for the last six weeks.

Be assured that I am with the utmost esteem, Your obedient servant,
H. Williamson.

MS not found; reprinted from McRee, *Iredell*, 2:29-31.

¹ The nature of this "memoir" is not clear.

² "No one gives who possesses not." *Latin for Lawyers, Containing Legal Maxims and Phrases*. . . (London: Sweet and Maxwell, 1915), p. 197.

Abraham Clark to Benjamin Lincoln

Sir,

Decr. 3d. 1782.

In Answer to your favour of the 30th Ultio. with a Copy of the Charges exhibited Against the late Commsy. of Military stores,¹ I must inform you, that the first Charge is to be proved by William Thorne paymaster of the department, and by receipts now or of late in his possession, if not at present with him, he can inform where they may be found. Mr Thorne can also inform respecting the mode of payments made to some of the Officers & others having demands upon the department, that after orders were given for payment, the Commissary restrained such payment unless upon his Special Order after wards given, thereby making partial payments to the great injury of those deprived of their pay.

The second Charge respects the Commissarys calling from Massachusetts Mr. Hay to Command the Company from which Mr. Godfrey was discharged by the Act of Congress of the 30th of August 1780 As An Unnecessary Officer, founded on a report of the board of War of the 26 of the same month. A Copy of the report Accompanies this. Boyer a Clerk in the department, as also Mr Hay himself may be called upon to inform the manner of Mr. Hays coming to the Command. I well remember that at the time of dismissing Godfrey the members from the board of War attending Congress, declared that his removal was not to give place to any other, but purely as an Office unnecessary agreeable to a resolution of Congress of the 12th of August, and it cannot be Supposed that the board of War intended to deceive Congress.

The third Charge relates to the Commsys. removing from his trust and employ Major Jonathan Gostelowe by his own Authority, placing one of his Clerks in the Military store. The Letters of removal were put into the hands of a Committee of Congress where it is supposed they yet remain. No Order of the board of War hath appeared or was mentioned in the Letters, to justifie such a procedure, Nor does even the board of War Appear to have such a power without reporting to and Obtaining the Concurrence of Congress; this appears to have been their sense respecting their powers as expressed in their report of the 26th of August Accompanying this, for it is Observable that Charles Lukens and Jona. Gostelowe were both Appointed at the same time on the 11th of Novr. 1777 and both under Similar Circumstances as to their appointments, the former of which the board did not think themselves impowered to remove. Gostelowe can be called to Witness

as to his dismissal, the Letters being as is said out of Town. Mr. Boyer also may know something of this matter.

The fourth Charge, intended to be proved principally by Capt. Jordan who is now absent. Jona Gostelowe, Moses Gistland a late Clerk to the Commissary, Mr. McFee a late Conductor, can be called to testify on this head. Mr. Boyer may also know something of this business and produce the books, where, I am told, it will appear that the Commissary and the Officers about him received their pay, while others were deprived of it; the Commissarys receiving more than his pay will appear by the rectx. under the first Charge.

I am, Sir, Your Obedt. Humble Servt.

Abra. Clark

RC (DNA: RG 93). Addressed: "Honble Secretary at War."

¹ This "Answer" by Clark, a member of several congressional committees concerned with military supplies and accounts, was written near the culmination of a lengthy investigation into the activities of Samuel Hodgdon, commissary of military stores. It was almost certainly as a member of one of these congressional committees that Clark acquired the documents allegedly incriminating Hodgdon in the illegal activities outlined in this letter and in Clark's charges printed below.

On April 17, 1782, Clark showed Robert Morris, Hodgdon's supervisor, some papers relative to Hodgdon that "Surprised" Morris. [Morris, *Papers* (Ferguson), 5:11]. The superintendent of finance apparently made no other response to Clark's charges however. Subsequently, on April 23, Clark was appointed to a committee to consider Morris' plan for an inspector of contracts for the Continental Army. Perhaps fearing that Hodgdon would receive this position (which ultimately went to Ezekiel Cornell), Clark filed formal charges against Hodgdon on April 26, which were submitted to a committee chaired by Joseph Montgomery. The following document is a transcript of Clark's charges, certified by Joseph Montgomery, which was almost certainly the copy enclosed in General Lincoln's "favour of the 30th Ultio." It is endorsed by Charles Thomson: "Charges Against the Comy. General of Military stores by Mr. Clark April 26th 1782. Referred to Mr. Montgomery, Mr. Floyd, Mr. Dickinson."

"The Subscriber [Abraham Clark] having received Credible information of several undue and unjustifiable practices in the Comy General of Military Stores, as well since his present appointment as while he was Assistant Commissary General, thinks it his duty to state and lay the same before Congress at the same time informing that he shall be ready to produce to, or inform a Committee of Congress of the proofs relative to the several following Charges.

"That while the said Comy was Assistant under Colonel Flower he assumed and exercised the power of drawing money at pleasure from the pay Master of that department both to pay Accounts against the department which ought to have been paid by the paymaster only and also on his own account to what sums he pleased. For that on or about the 11th of February 1780 he exhibited an Account to the pay Master for certain expenditures adding thereto a charge for his own pay and expences to that time amounting to £23,410. without expressing what those expenses were or on what account incurred, therein crediting a large sum received by the sale of Military stores making a ballance in his favour of £14,474.6.6 which ballance at his request he received from the payMaster in a bill of exchange to a much greater Amount at the rate of 75 for One as expressed in the receipt for which overplus together with a sum of Money he received next day he then gave another receipt for 11,777 dollars continental which he received on pretence that he might want the same for contingent expences—estimating the bill of exchange at this time as 72½ for one whereas that with others was received by the pay Master at 75 for one and was paid to the said Comy the preceeding day at that rate. This large advance he received over and above his account, while others in that department had

large arrears of pay due them which they were suffering for the want of and could not obtain thus perverting bills of exchange drawn at the risk of the United States to uses for which they never were intended.

"Second, That he hath placed and kept in pay, by what authority unknown, a certain person in the Character of an Officer in the Artificer department in the room of One Godfrey who was dismissed by Congress, and the Office upon the report of the board of War declared unnecessary.

"Third, That he took upon him in his own name by his own authority, as may appear by his Letter sent on that occasion to displace a Commissary of Military stores, Commissioned by Congress, and put the stores under the Charge of another person of his own appointing, thereby assuming a controuling power over Congress and taking away a Necessary Check in the issuing stores.

"Fourth, That in the payment of Officers and others employed in the Military store department, he caused to be made partial, unequal and Arbitrary advances on account of pay favouring some with near if not Entirely their full pay, while others more necessitous received but, little or none at all.

April 26th, 1782.

A true Copy signed,

Joseph Montgomery

The committee investigating Hodgdon (on which Turbutt Wright subsequently replaced William Floyd), apparently took no action on Clark's charges, and on July 22 they were referred to another committee, which was in turn discharged on November 13. At the same time Congress directed "the Secretary at War [*to*] proceed by Court of Enquiry or court martial against the said Hodgdon." Having received these orders, Lincoln then wrote to Clark and Hodgdon seeking information on the charges—copies of which he enclosed to both men and which now rest with their respective responses in RG 93, DNA. The court of enquiry presided over by Col. Christian Febiger considered Clark's letter along with Hodgdon's response in preparing its December 13 report to Lincoln, which concluded that "Such of the Charges of a criminal nature we found wholly unsupported." Congress accordingly ordered, on December 18, "that the charges above-mentioned be dismissed." Hodgdon continued serving as commissary general of the army under various titles until 1800. See *JCC*, 22:208n.1, 23:723n.1, 813; RG 93, fols. 21688–21741, DNA; PCC, item 149, 2:207; and Morris, *Papers* (Ferguson), 1:206n.4, 5:26n.5, 114–16, 7:101, 227.

James Madison's Notes of Debates

Teusday Decr. 3. [1782]

After a verbal report of the Committee above mentioned,¹ who acquainted Congress that in a conference with Mr. Livingston he professed a willingness to remain in office till the 1st of Jany. to give time for the choice of a Successor, Mr. McKean proposed the Resolution, which stands on the Journals; several alterations having been made however in the course of its consideration. With respect to the Preamble particularly, a change took place.² As it was first moved it recited as the ground of the resignation the incompatibility of the office of foreign affairs with the Chancellorship of N. Y. To this recital it was objected by Mr [Madison] that such a publication of preference of the office of the Chan[c]ellor of a particular State, to the office of foreign Affairs under U. S. tended to degrade the latter, whereupon the Preamble on the Journal was substituted.³ In the course of this business the expediency of augmenting the Salary was suggested, but not much supported. Mr. Howel & Clarke opposed it strenuously.

The Report of the Committee on the case of Vermont mentioned on Thursday the 14 of Novr.⁴ was called for by Mr. McKean, & postponed on his motion to make way for a set of Resolutions declaring that as Vermont in contempt of the Authority of Congress & their Recommendations of 1779⁵ exercised jurisdiction over sundry persons professing allegiance to the State of N. Y. banishing them and stripping them of their possessions, the former be required to make restitution &c., and that in case of refusal or neglect Congress will enforce the same, &c. A motion was made by Mr. Clark 2ded by Mr. Howel to strike out the latter clause, in favor of which it was said that such a menace ought to be suspended untill Vermont should refuse to comply with the Requisition; especially said Mr. Howell as the present proceeding being at the instance of Phelps & other exiles was an *exparte* one.⁶

Against the motion for expunging the clause, it was observed that a requisition on Vermont without such a menace wd. have no effect, that if Congress interposed they ought to do it with a decisive tone; that as it only enforced restitution in cases where spoliations had been committed and therefore was conditional, the circumstance of its being *exparte* was of no weight, especially as Congress cd. not call on Vermt. to appear as a party after her repeated protestations agst. appearing.

On this occasion Mr. Carroll informed Congress that he had entirely changed his opinion with regard to the policy requisite with regard to Vermt. being thoroughly persuaded that its leaders were perfidious men & that the interest of U. S. required their pretensions to be discountenanced; that in this opinion he was not a little confirmed by a late conversation with Genl. Whipple of N. Hamshire at Trenton⁷ in which this Gentleman assured him that the Governing party in Vermont were perfidiously devoted to the British interest, & that he had reason to believe that a British Commision for a Govr. of that district had come over & was ready to be produced at a convenient season. Some of the members having gone out of Congress & it being uncertain whether there would be more than six States for the clause,⁸ an adjournment was moved for & voted.

The proceedings on this subject evinced still more the conciliating effect of the territorial cession of N. York, on several States & the effect of the scheme of an ultramontane State within Pennsa. on the latter State. The only States in Congress which stood by Vermont were Rhode Island which is supposed to be interested in lands in Vermt. and N. Jersey whose Delegates were under instructions on the subject.⁹

RC (DLC: Madison Papers). Madison, *Papers* (Hutchinson). 5:351–52.

¹ See Madison's Notes, December 2, note 2.

² The resolution and its preamble have not been found.

³ See *JCC*, 23:759.

⁴ See Madison's Notes, November 14, 1782.

⁵ That is, September 24, 1779.

⁶ The motions made by Thomas McKean and Abraham Clark this day were recorded under the date December 5 by Secretary Thomson, who noted that the second motion was initiated by David Howell and seconded by Clark. See *JCC*, 23:765-67.

⁷ It is not clear why Daniel Carroll visited Trenton, but for William Whipple's presence there, see Madison to Edmund Randolph, November 19, 1782, note 7.

⁸ That is, the third paragraph in Thomas McKean's resolution proposing that Congress compel Vermont to restore confiscated property if she refused to do so willingly.

⁹ See Madison's Notes, November 27, note 4.

James Madison to Edmund Randolph

My dear friend

Philada. Decr. 3d. 1782.

Applications from the States of N. Hamshire & Massachusetts concerning {the old paper}¹ of which they {hold a surplus} have called the attention of Congress once more to that subject.² The Superintendant on a Reference to him reported in {rigid adherence to his} maxims of {public faith} that credit should {be given for all surpluses at the rate of one for forty}. This proposition was readily {negated by Congress}. Whereupon a motion was made by Mr. {Osgood} that {the states} should {be credit[ed]} according to the {current value at the time of redemption} which with one of the {letters from Massachusetts was referred to a grand committee}. The {commi} &c. {are unanimous} that {the burden of redeeming the old paper} as well as all other {public burdens} ought to be equitably apportioned on the States. On the {mode and the rate a diversity of ideas prevail}. One expedient suggested was to {call anew on the states to} sink {the money} and leave them {to level its} in{equalities by} negociations {among themselves}. This met with very little countenance. Another was to declare that as soon as the entire {sum should be taken up by the states from their} respect{ive citizens Congress} would proceed to charge the several {surpluses on the} deficient {states at such rate as equity might prescribe}. The objections against this were that it gave no immediate satisfaction to the {complaining states and} would prolong the internal {embarrassments of the states} which obstructed {the requisitions of Congress}. Lastly it was {proposed to} authorise the Commissioners who are {to traverse [the] country} for another {purpose to take up the un}redeemed {bills and} form them into a part {of the common debt} by {issuing to the} individuals {specie certificates at the rate of} ; and to apply the like rule to an {adjustment of disproportionate} redemptions {of the states}. This expedient was upon the {whole least disrelished by the committee and is now under their} consideration. Its reasonableness, and its {fate both} will depend much on the scale by which as well the {redeem[ed]} as the outstanding bills is to be val-

ued).³ In all questions relative to this subject, the defect of information under which we lie makes it difficult for us to deduce the general interest from a just & fair comparison of particular interests. To supply in some degree this defect with regard to Virginia I shall enclose to Mr. Ambler for his answers, a number of queries, of which I herein add a copy for you.⁴ Some of the queries indeed have a greater reference to other subjects. If you can assist Mr. A. or can enlarge the plan by other queries I beg you to do it. If the sense of the {leading members of the assembly} can be conveniently {gathered it} might {also be of use}. A public {consultation} would {violate the secresy} which is judged necessary {to prevent a revival of Speculation and} which {led me to the use of the} cypher on this occasion.

The Secy. of F. Affairs communicated to me a few days ago his determination speedily {to resign his office}. He asked me in the course of conversation whether I thought Mr. {Jefferson} would {prefer the vacancy to his foreign appointment}. I answered him in the negative. He then asked whether I supposed he would {accept the} commission of {Jay at Madrid in case the latter} should prefer {the secretariship of foreign affairs and be} appointed to it. I told him I could not answer that question but doubted much whether {Congress} would {consent to part with the} services of {Mr. Jay as a negociator of peace}. I wish you to mention this conversation to _____ and acquaint me with the result. The want of a Cypher with him will be an apology for omitting a direct communication. Through your hands also it may be accompanied with explanations if requisite. I leave it to your self to decide how far it may be worth while to {feel the pulse of our friend Mclurg} with respect to the {vacancy in question}.

Mr. M——s apprized me two evenings ago that a French {frigate will sail from this port in about three weeks and that it is probable} Ct. R——u and the Chevr. Chatt——x {will take their passage in her than in the frigate in the Chesapeak}.⁵ If the {river} should not {be threatened with ice the time of her sailing} may possibly {be procrastinated}. Should this obstruction not take place {before the middle of January} there will {be some chance of another frigate at this port}. These circumstances may {be very interesting to Mr. Jefferson and} I beg you to give him the earliest notice of them. If I could suppose that these and other considerations could leave any uncertainty, as to {his coming hither} in the first instance, I would press that point anew, being more & more convinced of its utility, not to say necessity, and finding that it is generally viewed in the same light.

The merits of the Controversy are like to be brought under trial of the Court at Trenton, the Agents for Connecticut having been foiled in every plea for an adjournment. But I do not hear that any progress is made from which the issue can be presumed.⁶

The Legislature of this State has just published for consideration a bill subjecting to the penalties of Treason all attempts for erecting an

independent State within its charter-Limits.⁷ This circumstance with some votes which have been lately taken in Congress with reference to {Vermont} leave no doubt that the policy of Penna. will in future be reversed.

Your favor of the 22d Ult^o.⁸ with the cypher enclosed came by yesterdays post; but very unluckily without having ever been sealed. This omission lessens much my confidence in the Cypher; altho, it seems scarcely possible for any advantage to have been taken unless the letter lay longer out of your hands before the mail was closed, than the interval between its arrival here, and its coming into my hands; to say nothing of the honor of the post offices. I enquired of Mr. Hazard, without mentioning the fact, how far the regulations of the mail admitted of such frauds.⁹ His answer altho' not absolutely conclusive favors the purity of the Cypher; & I shall venture to make use of it unless you recommend the contrary, or untill you transmit a new one.¹⁰

The paragraph which touches the subject of your return does not altogether please me. I disrelish exceedingly any idea of your resignation. I can not perceive the necessity of such a step in any view, and I see a manifest inexpediency in putting it out of your power throughout the present critical year to lend your aid in any emergency whatever. I hope you will soon relieve my anxiety on this subject.

On the article of news I must again deal entirely in negatives; no arrivals from Europe or the W. Indies affording any positive matter, and the domestic sources being equally deficient. There is indeed a *report* that the Octr. packet has arrived at N. Y. and a *rumor* that it authenticates the fall of Gibraltar.

ENCLOSURE

1. What is the amount of the old Contl. bills actually sunk by Virga. in pursuance of the Act of the 18th. of March?
2. What is the probable sum remaining in the hands of Individuals in Virga?
3. Does it circulate and at what value?
4. How Stands the law with respect to it & what is the prospect of its further redemption?
5. How much of the 6/10ths. of the new Contl. emissions has been issued?
6. How much of the sum issued has been redeemed?
7. At what value was it generally issued?
8. At what value does the outstanding sum (if any) circulate?
9. Have the State emissions been all funded at 1 for 1000 under the act for that purpose and what is the sum of specie certificates issued thereupon?
10. At what rate are these Certificates negotiated?

11. What is the conjectured amount of Certificates in Virga. issued by Continental officers? and at what rate are they negociated?
12. What is the conjectured amount of Certificates issued by the State for continental purposes? and at rate negociated
13. What is the amount of debits in the Auditor's Office agst. the U.S. for advances made by Virginia? independent of the Requisitions of Congress?
14. What is the amount of credits independent of the same?
15. In what degree and at what times is there a prospect of payments under the Requisition of 8 Million for the current year?
16. What appears from the returns to be the aggregate valuation of lands made under the act of Jany. 1. 1782 directing the same?
17. Is the valuation deemed pretty true on the whole and pretty equal among individuals?
18. What is the computed number of White inhabitants?
19. What of Black do?
20. What is the amount of the losses from the Enemy returned under the act of June 6. last?

RC (DLC: Madison Papers). In Madison's hand, though not signed. Madison, *Papers* (Hutchinson), 5:356–59.

¹ Words printed in braces in this text were written by Madison in cipher.

² See Samuel Osgood to John Lowell, September 19–25, note 10; and Madison's Notes, November 26, 1782.

³ For the renewal of this debate, see Madison's Notes, December 7, 1782.

⁴ See the enclosure below. For the response of Virginia treasurer Jacquelin Ambler to these queries, see Madison, *Papers* (Hutchinson), 5:345–51.

⁵ That is, the marquis de Barbé-Marbois had discussed the forthcoming departure of the comte de Rochambeau and the chevalier de Chastellux.

⁶ See Madison to Randolph, November 19, 1782, note 7.

⁷ See Samuel Wharton to George Read, November 17, 1782, note 2.

⁸ See Madison, *Papers* (Hutchinson), 5:307–9.

⁹ Madison apparently solicited information from postmaster general Ebenezer Hazard about penalties for mail tampering contained in the ordinances for regulating the post office passed by Congress on October 18 and 28. See *JCC*, 23:670–79, 688–89.

¹⁰ For Madison's first use of the new nomenclator that he received from Randolph, see Madison to Randolph, December 30, 1782.

Virginia Delegates to Benjamin Harrison

Sir

Philada. Decr. 3d. 1782.

From a consultation with the Secy at War we concluded that it would be fruitless, and therefore unadvisable to solicit either a repayment or sale of powder from the Magazines of the U. States.¹ We were informed by him however that there are {in the magazine within Virginia three hundred thirty six barrels of loose powder}² and {seventy of fixed} ammunition; that additional supplies will be forwarded as

prudence may suggest; that this resource will on all emergenc[i]es be open to the State, and to ensure it the more satisfactorily that orders will be given to the Keepers in cases of invasion particularly, to comply with requisitions from the Executive. The Secy. added a request to be informed through us of the productiveness of the Lead Mines in their present State, with an intimation that powder may perhaps be obtained from the general Stock by barter for any surplus of that article. We have judged it prudent to suspend making a purchase here from individuals, untill the Executive can decide how far the expediency of such a measure may be superceded by the foregoing information; supposing it to be neither for the interest of Virginia nor of the U. States, that the resources should be superfluously expended in Stores, and that it is particularly against the interest of the former to take upon herself a burden which ought & probably will be borne by the latter. Should the Executive view the subject differently We shall readily conform to their original plan.

That we might not unnecessarily repeat our solicitations to the Chevr. de la Luzerne with respect to the transportation of the arms & ammunition from France, We thought it best to confer in the first instance with Mr. Morris on the chance of effecting it under his auspices. We found that a previous application from your Excellency had led his thoughts to the same subject. It is uncertain as yet how far this channel is to be relied on.³ By the next post we hope to be able to give you more satisfactory information.

Your Excellency's favor of the 23d Ulto.,⁴ has come duly to hand. An omission of the paper referred to as inclosed renders the first paragraph unintelligible, and consequently an answer to it must be postponed untill the omission shall be supplied. Our last will have given you information from the War Office relative to cloathing for the troops. Our attention to that essential point will not however be discontinued. The letters of Marque shall be duly forwarded.

With sentiments of great esteem We have the honor to be yr. Excellency's Mo. Obt. & humble servants

Jos. Jones.

J Madison Jr.

P. S. The inclosed note just recd. from Genl. Lincoln⁵ who undertook to procure for us the state & price of powder in private hands in this City, will complete our answer to your Excellency on that subject.

RC (Vi: Continental Congress Papers). Written by Madison and signed by Madison and Jones. Madison, *Papers* (Hutchinson), 5:354-55.

¹ For Harrison's November 16 appeal to the Virginia delegates to obtain "three or four Tuns" of musket powder from Congress, see *ibid.*, pp. 278-79.

² Words printed in braces in this text were written by Madison in the official Virginia cipher.

³ For Harrison's November 16 letter to the superintendent of finance and Madison's and Jones' meeting with Morris on the 27th, see Morris, *Papers* (Ferguson), 7:55-56, 121.

⁴ See Madison, *Papers* (Hutchinson), 5:312–13.

⁵ Not found.

Elias Boudinot to William Livingston

Dear Sir,

Philadelphia Decr. 4th. 1782.

Having an Acct. of a very dangerous Correspondence carrying on from this City to New York, am under a necessity of soliciting your Excellency to give all the aid in your Power to detect the Person who passes between the two Cities as the Messenger. Her description is enclosed, and it is expected that she will return from New York, this or the next week.¹

I have taken the proper Measures here, in Case she should escape the Vigilance of those who may be used by your Excellency on this Occasion.

Not a Word of News that can be depended on, except the Fall of Governmt. Bills of Exchange in New York to 7 below par, the reason for which is not at present known.

I have the Honor to be with great Respect, Your Excellency's Most Obedt. Hble Servt.

Elias Boudinot

RC (NN: Livingston Papers).

¹ For a description and the arrest of Charlotte Latima ("Irish Betty"), whose arrest had been sought since October, see Livingston, *Papers* (Prince), 4:475–76, 495.

Elias Boudinot to Lewis Pintard

My dear Sir,

Philadelphia Decr. 4th. 1782

I am sorry to inform you that *her Excy.*¹ has been these two Days confined to her Bed, with a most violent & tormenting Tooth Ach, and swelled Face. She has suffered greatly indeed, and is yet in great Pain tho much better.

Your Favour per Post came safe to hand. As Elisha will not be at home for a long Time, I wish you could send the mare to a Mr. Burroughs about one Mile on this side Elisha's who will keep it untill he comes home. If Rickey will keep the little horse Colt well, at a reasonable rate, I would have you send him there—but I would have him well kept. I think he could do it in the best Manner for £5—till the first of May. As to the Young Horse & oldest Colt, unless they can be sold, they must run out & be foddered with the Cows. Perhaps Mr Sears would be glad to take the Horse for his labour. I am not uneasy about the selling of the Hay, as it will be a good Price towards Spring and the demand will increase. As to Mr. Livingston's Hay; I wrote some time ago, to the Ex[ecuto]rs that I would not have any thing to

do with it, and that they must look to the Sales of it themselves, so that you need not be uneasy about that.

As to your sending for Goods conditionally, I am very clear in it, that we shall have Peace by the Spring. Charles Town I doubt not is evacuated—We have an Acct. as late as the 4^t Novr when all the Cannon, Ammunition & Baggage was on-board & gone. No regular Duty done—every Thing in readiness for the last Embarkation, which waited only for the Transports from St. Augustine, which were hourly expected—the 25^t Instt was fixed as the latest Period. Genl Green lies within 12 Miles of the City, our advanced Picquet within 4 Miles. The Inhabitants go into the City & search for & take away their Negroes. Govr Mathews has summoned the Genl. Assembly to meet him in Charles Town in Jan'y next. The report of the Capture of Gibraltar is again revived, the news from New York. It is also whispered that the most important failure has happened in England. I am much surprised that you have not heard from Mr Morris as he told me that he had sent you very full Instructions. Mr. Searle lately wrote me a Line & enclosed one from his Brother, in which he invites him to Madeira & makes him the most benevolent Offers—mentions your Brother & family being well. I lately wrote to Madeira—and a Frigate will again sail for France in a few Days.

I am extremely distressed for poor Mr. Brashira & Family. I was just planning a Provision for him, which I hoped would have made him easy—indeed I have long been at it, but could not before bring it to bear.

If the things are not yet come off, I wish you would add to them the best looking pair of single Broaches for a drawing Room, as we cannot get a pair here & Candlesticks are very scarce with us & we too poor to buy.

Patty is very well but too lazy to write. Mrs. Bordeau will not consent to take her, as she lodges out from her. I shall try to get her with Mr. Leslie.

The Papers contain the News of the Day. Govern't. Bills at New York have lately fallen 7 below par & were daily expected at 10.

Our kind Love to Mrs. P. & Johnny—remember us to Mr & Mrs Livingston & Family.

Am my Dr Sir, Yours Afftly

E B

RC (PHi: Boudinot Papers).

¹ That is, Hannah Boudinot.

Abraham Clark to William Livingston

Sir

Philada. Decr. 4. 1782.

Capt. Dehart¹ hath been attempting to procure his exchange at this place, but as exchanges in the Continental Line are by seniority only,

he can have no prospect in his application here. It hath long been the Custom, in the Eastern states especially, to exchange for their Citizens such as are not Strictly Speaking Continental Prisoners, by which I mean those not taken at a Continental expence, they even exchange those taken by Privateers under Continental Commissions, this hath long been their practice. I cannot say what their conduct is at present but suppose the same they have heretofore practised: in this View of the matter I should not hesitate were I in your Excellencys place to send into New York for Capt. Dehart one of the Prisoners in Jersey as he is one of our Citizens, and perhaps the only one a Marine Prisoner, and the Prisoners with you taken neither at Continental expence or by a Continental Commission, as I am informed. Most of the prisoners coming out on Parole are to stay it is said untill called for, any sent in for such would not exchange them, but be Creditted in the general Account for past Arrears. Mr. Deharts parole entitles him to a discharge upon one's being sent in for him and should he return to New York and wait till all Arrears are paid up, and those taken before him exchanged, it is pretty certain he must remain a prisoner till the end of the War: his only prospect of exchange rests with your Excellency, who I am persuaded will grant him every favour his case may entitle him to, any other than such I would not Ask or even wish for.

I have the honour to be, with great respect, Sir, your Obedt. Humble Servt.
Abra. Clark

RC (NN: Livingston Papers).

¹ Not identified.

John Taylor Gilman to Meshech Weare

Sir, Philada. Decr. 4th. 1782.

I Enclose Copy of a Resolution respecting the promotion of Officers in the Line's of the Several States.¹ I Suppose this Resolution has been transmitted you by the Secretary at War, but perhaps the propriety and Necessity of the measure may not so readily appear to the Honble. the Legislature; to which I shall only Say that it was Unanimously adopted by Congress after the most mature Deliberation. I have no doubt but all the other States will promote their Officers agreeably to the Resolution and hope the State of New-Hampshire will promote their's as they will be Essentially Injured with respect to Rank if that is not the Case.

Have not a Single Article of News of any kind more than is Contained in the Papers.

I have the Honor to be, Your Most Obedt. Servt.

John Taylor Gilman

RC (DLC: Peter Force Collection).

¹ Gilman may have enclosed a copy of the November 19 resolution on the promotion of officers in the Continental Army, upon which there was apparently considerable debate, and the brief clarifying resolution of November 20, which was, in Gilman's words, "Unanimously adopted by Congress." See *JCC*, 23:736-40.

James Madison's Notes of Debates

Wednesday Decr. 4. [1782]

After the passing of the Resolution concerning Cap. P. Jones¹ a motion was made by Mr. [Madison] to reconsider the same, that it might be referred to the Agent of Marine to take order, as a better mode of answering the same purpose; since it did not become the sovereign body to give public sanction to a recommendation of Capt. Jones to the Commander of the French Squadron, especially as there was no written evidence that the latter had signified a disposition to concur in the project of Capt. Jones. The motion was lost; a few States only being in favor of it.²

The reason assigned by those who voted against the promotion of Cols. to Brigadrs. according to districts was that such a division of the U. S. tends to foster local ideas, and might lead to a dismemberment.³

The Delegates from Penna. reminded Congress that no answer had been given to the Memorials (see Novr. 20) from that State,⁴ that the Legislature were proceeding in the measure intimated in the said Memorials and that they meant to finish it & adjourn this evening. The reasons mentioned by the Delegates as prevailing with the Legislature were 1st. the delay of Congress to give an answer which was deemed disrespectful. 2d. the little chance of any funds being provided by Congress for their internal debts. 3dly. the assurance [given by one of their members [Mr. Jos. Mont-gomery, mentioned privately not on the floor] that no impediment to the support of the war cd. arise from it, since Congress had provided means for that purpose in Europe.

A Committee consisting of Mr. Rutledge Mr. M[adison] & Mr. Hamilton was appointed to confer immediately with a Committee from the Legislature on the subject of the Memorials,⁵ & were instructed to make such communications relative to our affairs abroad as would correct misinformations. The Committee which met them on the part of the Legislature were Mr. Jos. Montgomery, Mr. Hill⁶ & Mr. Jacob Rush.

The Committee of Congress in the conference observed that the delay of an answer had proceeded in part from the nature of so large an assembly of which the Committee of the Legislature cd. not be insensible, but principally from the difficulty of giving a satisfactory one untill Rhode Island sd. accede to the Impost of 5 PerCt. of which

they had been in constant expectation; That with respect to the prospect from Congress for the public Creditors Congress had required of the States interest for the ensuing year, had accepted the territorial Cession of N. Y. and meant still to pursue the scheme of the impost; that as to their affairs in Europe the loan of 6 Million of livres only last year had been procured from France by Dr. Franklyn in place of 12 asked by him, the whole of which had been applied; that the loan of 5,000,000 Guilders opened by Mr. Adams had advanced to abt. 1½ Million only and there seemed little progress to have been made of late; that the application for 4 Million as part of the estimate for the ensuing year was not founded on any previous information in favor but against every intimation on the subject, & was dictated entirely by our necessities; so that if even no part of the requisitions from the States sh. be denied, or diverted, the support of the war, the primary object, might be but deficiently provided for. That if this example which violated the right of appropriation delegated to Congress by the federal Articles,⁷ should be set by Pa. it would be both followed by other States & extended to other instances; that in consequence our system of administration, and even our bond of Union wd. be dissolved; that the enemy would take courage from such a prospect and the war be prolonged if not the object of it endangered; that our national credit would fail with other powers, & the loans from abroad which had been our cheif resource fail with it. That an assumption by individual States of the prerogative of paying to their own Citizens the debts of the U. S. out of the money required by the latter was not only a breach of the federal system but of the faith pledged to the public Creditors; since payment was mutually guaranteed to each & all of the Creditors by each & all of the States; and that lastly it was unjust with respect to the States themselves on whom the burden would fall not in proportion to their respective abilities, but to the debts due to their respective Citizens; and that at least it deserved the consideration of Pa. whether she would not be loser by such an arrangement.

On the side of the other Committee it was answered that the measure cd. not violate the confederation because the requisition had not been founded on a valuation of land; that it would not be the first example, N. H. & N. Y. havg. appropriated mony raised under requisitions of Congress;⁸ that if the other States did their duty in complying with the demands of Congress no inconveniency would arise from it, that the discontents of the Creditors wd. prevent the payment of taxes; Mr. Hill finally asking whether it had been considered in Congress how far delinquent States cd. be eventually coerced to do justice to those who performed their part? To all which it was replied that a valuation of land had been manifestly impossible during the war—that the apportionments made had been acquiesced in by Pa. and therefore the appropriation could not be objected to: that altho other

States might have set previous examples, these had never come before Congress, that it wd be [*more*] honorable for Pa. to counteract than abet them especially as the example from her weight in the Union & the residence of Congress wd. be so powerful; that if other States did their duty the measure wd. be superfluous; that the discontents of the Creditors might always be answered by the equal justice & more pressing necessity which pleaded in favor of the army, who had lent their blood & services to their Country, and on whom its defence still rested; that Congress unwilling to presume a refusal in any of the States to do justice cd. not anticipate it by a consideration of the steps wch. such refusal might require, & that ruin must ensue if the States suffered their policy to be swayed by such distrusts. The Committee appeared to be considerably impressed with these remarks, & the Legislature suspended their plan.⁹

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:361–64.

¹ For the report of the committee on John Paul Jones' request to join the forthcoming campaign of the marquis de Vaudreuil, and the resolution Congress adopted, see *ibid.*, pp. 360–61; and *JCC*, 23:761.

² Madison's motion and the vote were not recorded in the journals.

³ See *JCC*, 23:762–64. For the plan that Congress adopted on December 12 dividing the states into three districts, see *JCC*, 23:790–91.

⁴ See Madison's Notes, November 20, notes 2 and 3.

⁵ See *JCC*, 23:761.

⁶ That is, Henry Hill.

⁷ Congress had the authority, under the eighth article of the Articles of Confederation, to pay all expenses associated with "the common defence or general welfare" with funds appropriated from the states. *JCC*, 19:217.

⁸ The Pennsylvania committee members may have had in mind earlier attempts by New Hampshire and New York to pay Continental debts in their states with paper money, for which see these *Letters*, 17:27, 48–50, 18:390.

⁹ For the continuation of this issue, see Madison's Notes, December 6, 1782.

Samuel Osgood to Henry Knox

My dear Sir

Philadelphia 4 Decr. 1782

This Morning I Recd. your Favor of the 2d of November: It gave me the more sensible Pleasure, because I began to repent that I had wrote you with Respect to the System for the Adjutant Genls. Department.¹ And more especially, as you have mentioned with Freedom, a Matter which has given me no small Degree of Anxiety. I must acknowledge it as a particular Mark of Friendship in you, so candidly to give me one of the Reasons, why the Application of the Officers of the Masstts. Line to the Legislature thereof fail'd: you mention my Letter to Mr. Lowell,² as having conduced to prevent a Plan which would have given much Dignity to the State, & Contentment to the Army. Upon this Observation I am extremely sorry that I ever wrote

that Letter; which was never intended for the public Eye; It was wrote to a Friend in whom I had never discovered any Thing but the most cordial Affection for the Army, & consequently was not wrote with that Accuracy & Attention which I should have otherwise aimed at. If I us'd the Word "excessive" I think the Tenor of my Letter will fully show in what Sense I us'd it. If I do not misremember, it stands in this View. If, for Instance, the state of Masstts should promise to pay a hundred Pounds when they were only able to pay fifty, it would exceed their Ability & on their Part be an excessive Promise. It did not give my Opinion that half Pay was more than the united States *will* be able to discharge; but aimed particularly to show the Inequality of Rewarding an Officer for one, or two years Service, with as great pecuniary Emoluments, as one who may have served Eight or ten years. This appeared to me then & still appears to me excessive. It does not seem to me to be founded in *Reason*. From all the information I have been able to collect of the Sentiments of the Officers of the Masstts. Line, I do not find that mine differs from theirs in Substance & Mode. They may differ as to Time; which probably arises from my Situation, where I have an Opportunity of discovering the Sentiments of the States from their Delegates more fully than the Army can possibly do.

I have endeavored to convince the Members of Congress that it would be best to recommend to the States individually, to satisfy their Officers on Acct. of half Pay. My ill Success on this Head, induced me to write Mr. Lowell—for altho' no particular Question in Congress has been taken on the Matter of referring it to the several States, yet when the Memorial of the deranged Officers of the Connecticut Line was before Congress last Summer, the Subject was largely debated; & it was declared from various Quarters of the House, that if any State undertook to satisfy their Officers for half pay, they would do it in their own way, & that it could not discharge such State from Requisitions of Congress for half Pay. In this View could you have advised Masstts. to have compromised with her Officers, & have thereby probably laid the Foundation of a very serious dispute with the fœderal Union. I sincerely wish to render the Officers of the Masstts. Line every Service in my Power: & nothing will give me greater Pleasure, than to let them know all my Views respecting them, & the Reasons on which I found them; & if, in their Opinion, they should not be Right, to hear their Objections. Heaven forbid that I should be obstinate or illiberal, in any System respecting them.

I am fully of Opinion that an Officer who has been in the Service for seven or Eight years, must have almost entirely disqualified himself for private Business. I have little Idea of Roman Virtue contented with a few Acres. But my dear Friend, what can a Person have suffered in one or two years by mere Absence from private Business? Do you think the Damage to him in the exact Proportion of two to Eight, sup-

posing those to be the different Periods of Service? Indeed I esteem Eight to be much more than four Times two, in this View of the Matter. It has appeared to me that from the great Number of Officers which have been commissioned many of whom cannot have performed much Service in the Field, that it would be necessary to make some Distinction. And I can assure you I feel a hearty Disposition to reward those very liberally who have hitherto gone thro all the Distress, Fatigue, Want, & Danger of their Duty in the Field.

I am, Dear Sir, with Sentiments of the highest Esteem, your most obedient Servant,
 Samuel Osgood

RC (MHi: Knox Papers).

¹ See Osgood to Knox, September 17, 1782.

² See Osgood to John Lowell, September 9, 1782.

Samuel Osgood to John Lowell

Dear Sir,

Philadelphia Decr. 4th. 1782

I had the Pleasure of recg. a Letter by the Post from Mr. Jackson & am made happy thereby, as I find he & Mrs. Jackson got to Boston well & expeditiously. He seems to give some Encouragement that Mr. Gerry will again attend Congress. I sincerely wish he may as I think he could render much Service to his Country.

The Secretary of foreign Affairs resigned this Week very unexpectedly to me. The 19th Instant is appointed for electing another. Nobody yet in Nomination. I expect it will be difficult for Congress to agree.¹ Tomorrow two Judges for the Court of Appeals are to be chosen. Nobody on the Nomination but you & Mr. Merchant for the Eastern District—I flatter myself you will be appointed unanimously excepting Rhode Island, who ought to Vote for their own Nomination.² I have consulted the Delegates of the State—they seem to be hearty in the Matter (But, Sir, I am Sick, not of Love)—I have been this Day much mortified—with two particular Decisions in Congress. It would be of no Service to mention them at this Time. And if I should be again disappointed I should not be much surprized; tho' I can assure you with my present Expectations I think if the Choice comes on it is impossible but you must be appointed tomorrow. No News of Consequence here.

I am dear Sir, yours very sincerely,

Samuel Osgood

RC (MHi: Lowell Papers).

¹ See James Madison's Notes of Debates, December 3, 1782.

² Lowell, who had been placed in nomination by Osgood, was elected to the court of appeals on December 5. See Elias Boudinot to George Read, December 6, and to Lowell, December 11, 1782.

Richard Peters to Horatio Gates

Dear Sir

4th Decr. 1782

I have been favour'd with your Letter enclosing one for the Baron to whose Abilities & Exertions I am happy to see you pay so deserved a Tribute.¹ Your Approbation will be of Service to him & must afford him particular Satisfaction, as you are a Judge of *the Trade*. When Mrs. Gates appears I will gladly pay my Compliments to her & deliver your Letter. Mr Morris has received your Letter & I think he told me he would answer it.

I have just heard of the Post being about to depart & therefore I can only add that I am, with sincere Esteem, Your obed Servt,

Richard Peters

RC (NHi: Gates Papers).

¹ Gates' letters to Peters and to Baron Steuben of November 22, 1782, are on reel 13 of the microfilm edition of the Horatio Gates Papers.

Phillips White to Josiah Bartlett

Sir

Philadelphia Decr. 4 1782.

Agreeable to your desire I now sit down to write your Honr. a few lines, but have nothing new of Consiquence. Mr. Gilman, wrote to the Honl. President, on the affair of Vermont, the Day before I arrived here, since which I gave a few hints respecting the same,¹ it appears that something should be done soon, it looks likely to me, that the final Desision will greatly depend on the inclination of New Hampshire, & New York, for which reason it is highly necessary that we have instructions. If nothing was done on the subject the last session of the Genl. Court, I hope there will be something done, the begining of the next. The Deligates from N. York appear to be very earnest to have a final determination, the Members from said State at present are Mr. Floyd, and Mr. Hambleton, who we think are more cordial than some others have been &c.

No official account from the southward, people are in doubt respecting the evacuation of Charleston.

We hear that Murrimitism prevails among you, and that several worthy members of the Genl. Court are converted, if so, doubtless they can give a reason of their hope. I remain with sincere respect Sir your Huml. Servt,

P. White

P.S. I would not have you think that I am covetous, by my sending only half a sheet, the reason of my doing it, is on account of a complaint that the members incumber the mail, with large Letters, &c &c.

There has been an attempt to prevent private Letters going post free²—however I shall run the venture to inclose a Newspaper this once as it will be covered in one. Mr Gilman will send to the Honl. President.³

RC (NhD: Bartlett Papers).

¹ See John Taylor Gilman to Meshech Weare, October 29, and White to Weare, November 6, 1782.

² For the "supplemental ordinance for regulating the post Office" under consideration at this time, which focused on the use of the franking privilege, see Madison's Notes of Debates, December 6, note 1.

³ See Gilman to Weare, this date.

James Duane to George Clinton

Dear Sir,

Poghkeepsie Decemr 5th 1782.

I am sorry to be deprived of the pleasure of paying my respects to your Excellency & your Lady on my return from Philad. The severity of the day I am apprehensive may detain you, and I am impatient to see my Family after half a years absent: but this Consideration would not have weight, had not Mr L'hommedieu communicated to your Excellency the State of Affairs at Congress.¹

I beg leave to submit to your Excellency the steps we took in the Case of General Clinton.² The Principle on which the Rejection was founded was that the New York line was not entitled to a second Major General. I need not I hope assure your Excellency that nothing was omitted on my part which promised Success to the General's wishes.

The Vermont business is undecided: but these rash men are in a fair way to ruin themselves. I trust Mr. Lhommedieu has fully stated this matter to your Excellency.

I enclose your Excellency the Acceptance of the New York Cession. You will observe that it is left on the best possible footing for our State. I feel myself happy in being the Instrument in accomplishing a Measure of such vast importance To our Country.

Our money affairs I defer till I have the pleasure of seeing your Excellency. Unless I have some Redress, this last attendance on Congress will affect me severely, for besides my loss I have overstaid the time prescribed for a month.

With Complements to Mrs. Clinton & the most perfect Respect for your Excellency, I have the honor to be, Dear Sir, Your affectionate & most obedient humble Servant,

Jas. Duane.

Reprinted from Clinton, *Papers* (Hastings), 8:55–56.

¹ See Ezra L'Hommedieu to Clinton, November 18, 1782.

² For the inability of the New York delegates to obtain the promotion of Gen. James Clinton, the governor's brother, see *JCC*, 23:648–49; and New York Delegates to George Clinton, March 29, 1782, note 4.

William Floyd to John Tayler

Dear Sir

Philadelphia Decbr. 5th. 1782

Agreable to your Request, on my arrival at this place I applied to the proper offices to get your account¹ funded, which I could not Effect untill yesterday, when I obtained a Certificate for the whole Sum agreable to the Settlement made by Mr. Trumbull. I could not Get the Certificate made out in your name as all the accounts were in the Name of your partner; But it is in his name on Settlement of his account, and I have given A Receipt as for you in behalf of Your partner. The Certificate is payable to him or Bearer therefore when you are possessed of it you will be the proprietor.

I Cannot write you one word of News by this post, perhaps I may have Some by the Next. My best Respects to Mrs. Tayler and the young Ladies in the family.

And am with the greatest Regard your most Obedt. and humble
Servt. Wm Floyd

RC (PHi: Gratz Collection). Addressed: "To John Taylor Esqr., at Albany."

¹ Not identified.

James Madison's Notes of Debates

Thursday Decr. 5th. 1782

Mr. Lowel & Mr. Reed were elected Judges of the Court of Appeals.¹ Mr. P. Smith of N. Jersey had the vote of that State; and Mr. Merchant of Rhode Island the vote of that State.

The Resolutions respecting Vermont moved by Mr. McKean on the day of were taken into Consideration. They were seconded by Mr. Hamilton, as entered on the Journal of this day.² Previous to the question on the coercive clause, Mr. M. observed that as the preceding clause was involved in it,³ & the foederal articles did not delegate to Congress the authority about to be enforced, it would be proper in the first place to amend the recital in the preceding clause, by inserting the ground on which the Authority of Congress had been interposed. Some who voted against this motion in this stage having done so from a doubt as to the point of order, it was revived in a subsequent stage when that objection did not lie.⁴ The objections to the motion itself were urged chiefly by the Delegates from Rhode Island,

and with a view in this, as in all other instances, to perplex & protract the business.⁵ The objections were 1st. that the proposed insertion was not warranted by the Act of N. Hampshire which submitted to the judgment of Congress, *merely* the question of jurisdiction. 2dly. That the Resolutions of Aug. 1781, concerning Vermont, havg. been acceded to by Vermont, annulled all antecedent acts founded on the doubtfulness of its claim to independence. In answer To the 1st objn. the Act of N.H. was read wch. in the utmost latitude adopted the Resolvs. of Congress which extended expressly to the preservation of peace & order & prevention of acts of confiscation by one party agst. another. To the 2d. objn. it was answered 1st. that the sd. Resons. of Aug. being conditional not absolute, the accession of Vermont cd. not render them definitive; but 2dly. that prior to this accession, Vermont havg in due form rejected the Resolns. and notified the rejection to Congress, the accession cd. be of no avail unless subsequently admitted by Congress. 3dly. that this doctrine had been maintained by Vermont itself wch. had *declared* that inasmuch as the Resolns. of Aug. did not correspond wth. their overtures previously made to Congress these ceased to be obligatory; wch. act it was to be observed was merely *declaratory*, not creative, of the annulment.⁶

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:368–69.

¹ See Elias Boudinot to George Read, December 6, and to John Lowell, December 11, 1782.

² See Madison's Notes, December 3, note 6.

³ *Ibid.*, note 8.

⁴ Congress had apparently set aside the Vermont committee's report on December 3 to take up Thomas McKean's resolutions in violation of its own procedural rule that when a report was called for "it shall immediately be taken up." Since the committee report was not before Congress this day, that point of order was not an issue. See *JCC*, 20:477.

⁵ For the objections introduced by David Howell, and Madison's attempt to postpone consideration of Howell's motion, see *JCC*, 23:766–69; and Madison, *Papers* (Hutchinson), 5:367–68.

⁶ Madison later added the following comment at the end of this entry: "The original motion of Mr. McKean & Mr. Hamilton, seven States voting for it: R.I. & N.J. in the negative."

Jonathan Arnold to William Greene

Sir,

Philadelphia December 6th. 1782.

I have nothing more to communicate in respect to Public, affairs but what the Extracts from the Journals of Congress, and my Colleague's & my joint Letter will do.¹ Yet I cannot refrain from troubling your Excellency, with a few observations upon the Conduct of Mr. Howell,² since my Arrival in this City and which I believe, from various reasons, has been invariably the same ever since he had a seat in Congress.

It appears to have been his first & only wish to serve his Country, generally, and especially his Constituents, with unshaken fidelity. He

has had no separate interested views, to lead him from those Objects. He clearly understood the Force of the Articles of Confederation, and distinguished between the rights relinquished by the Separate States and those retained, & on this appeared desirous to fix his decisions on such questions as were discussed. On other occasional & detached points—he ever shewed a desire to Justice, consistent with Honor & Economy—and judging that in many instances—the gratuities & Salaries of the Civil Officers was beyond what the present Circumstances of the people could well bear—he has missed no proper Opportunities of speaking freely his Opinion thereon, and to enforce the necessity of their reduction. He has been zealous and Active in endeavouring to obtain Justice in regard to the western Territory—part of which is already Ceded. He has also exerted himself to obtain some effectual measures whereby the Public Accounts might be collected & settled, upon Constitutional principles, and the Public Credit thereby restored, without the necessity of recurrence to measures unknown in & Contrary to such Principles. But I am sorry to say in this his exertions have hitherto proved fruitless. For his conduct in the preceeding matters—he has been looked upon in an invidious light by those, whose principles and Conduct have been opposed to him. He has been treated with a Coldness & indifference, which must have been extremely mortifying to his feelings—and which to avoid, would have swerved from the Purpose, any one, not endowed with an uncommon share of Firmness.

As he is soon to return, I have reason to expect the inveterate enmity which his honest and patriotic Zeal in his countrys cause has raised in the breasts of those to whom he has necessarily been opposed, will be exerted, and follow him to his home and that the most unremitted industry will be used to injure him in the State, he has with so much integrity represented. My duty therefore to the State to prevent impositions upon them, and to him as a Colleague in whose confidence & friendship I have been singularly happy during my residence here, and with whom I have on most Occasions been united in sentiment, as to public measures, obliged me—unknown to him to give this public Testimony of his Conduct.

Hoping & trusting, whilst his principles and Conduct continue as at Present, he will have the love & esteem, as well as the Approbation & Support of his Constituents, and be considered as he really is a very worthy and able defender of their Rights & Liberties, I have the Honor to be, with the highest sentiments of respect & esteem, Your Excellency's Very huml Servt.

Jona Arnold

RC (R–Ar: Letters to Governors).

¹ See Rhode Island Delegates to Greene, December 7, 1782.

² For the "Conduct" of David Howell that came to the attention of Congress this day, see Howell to John Carter, October 16; James Madison's Notes of Debates, December 6 and 12; and Arnold to Greene, December 18, 1782, and January 8, 1783.

Elias Boudinot to George Read

Sir,

Philadelphia December 6. 1782

It gives me very particular satisfaction to have the honor of presenting you the commission of the United States in Congress assembled, whereby you are constituted one of the Judges of the court of appeals in all cases of capture on the water &c.¹

Your established character as a Gentleman, Lawyer and man of integrity leaves me no room to doubt but this appointment will do honor to Congress, produce the happiest consequences to the good Citizens of these States, and, I hope, real satisfaction to yourself, from the consciousness of serving your Country with fidelity.

I have the honor to be &c. &c.

E.B.

LB (DNA: PCC, item 16).

¹ For the election of Read and John Lowell to the court of appeals on December 5 ("one in the room of Mr. Paca, resigned, and one in the room of Mr. Hosmer, deceased"), see *JCC*, 23:746, 749, 758, 765, 797. See also James Madison's Notes of Debates, November 7, note 3; and Boudinot to John Lowell, December 11, 1782.

James Madison's Notes of Debates

Friday 6 Decr. [1782]

An ordinance extending the privilege of Franking letters to the Heads of all the Departments was reported & taken up.¹ Various ideas were thrown out on the subject at large; some contending for the extension proposed, some for a partial adoption of it, some for a total abolition of the privilege as well in members of Congress as in others; some for a limitation of the privilege to a definite number or weight of letters. Those who contended for a total abolition, represented the privilege as productive of abuses, as reducing the profits so low as to prevent the extension of the establishment throughout the U.S. and as throwing the whole burden of the establishment on the *mercantile* intercourse. On the other side it was contended that in Case of an abolition the Delegates, or their Constituents, would be taxed just in proportion to their distance from the seat of Congress; which was neither just nor politic, considering the many other disadvantages which were inseparable from that distance; that as the correspondence of the Delegates was the principal channel through which a general knowledge of public affairs, was diffused, any abridgment of it would so far confine this advantage to the States within the neighbourhood of Congress: & that as the correspondence at present however voluminous did not exclude from the mail any private letters which wd. be subject to postage, and if postage was extended to the letters now franked the no. & size of them would be essentially reduced, the revenue was not affected in the manner represented. The Ordinance was disagreed to & the subject recom-

mitted wth. the instruction to the Committee giving them ample latitude for such Report as they should think fit.

A Boston Newspaper containing under the Providence Head an extract of a letter purporting to be written by a Gentleman in Philada. and misrepresenting the state of our loans, as well as betraying the secret proposal of the Sweedish Court to enter into a Treaty with the U.S.; with the view of disproving to the people of R. Island the necessity of the Impost of 5 PerCt.; had been handed about for several days. From style and other circumstances, it carried strongly the appearance of being written by a member of Congress.² The unanimous suspicions were fixed on Mr. Howel. The mischevous tendency of such publications & the necessity of the interposition of Congress were also general subjects of conversation. It was imagined too that a detection of the person suspected would destroy in his state that influence which he exerted in misleading its counsels with respect to the Impost. These circumstances led Mr. W—a—n³ to move the proposition on this subject. It was opposed by no one. Mr. Clarke supposing it to be levelled in part at him, rose & informed Congress, that not considering the article relative to Sweeden as secret in its nature, and considering himself at liberty to make any communications to his Constituents he had disclosed it to the Assembly of N. Jersey. He was told that the motion was not aimed at him, but the doctrine advanced by him was utterly inadmissible. Mr. R—d—e⁴ observed that after this frankness on the part of Mr. C—e as well as from the respect due from every member to Congress & to himself, it might be concluded that if no member present should own the letter in question, no member present was the author of it. Mr. H. was visibly perturbed, but remained silent.

The Conference with the Committee of the Legislature of Penna. with subsequent information had rendered it very evident that unless some effectual measures were taken against separate appropriations & in favor of the public Creditors, the Legislature of that State, at its next meeting, would resume the plan which they had suspended.⁵ Mr R—d—e in pursuance of this conviction moved that the Superintendt of Finance be instructed to represent to the several States the mischeifs which such appropriations would produce. It was observed with respect to this motion that however proper it might be as one expedient, it was of itself inadequate; that nothing but a permanent fund for discharging the debts of the public would divert the States from providing for their own Citizens; that a renewal of the call on R. Island for the impost ought to accompany the motion; that such a combination of these plans would mutually give efficacy to them, since R. Island would be solicitous to prevent separate appropriations & the other States would be soothed with the hope of the Impost. These observations gave rise to a Motion of Mr. Hamilton, which stands on the Journal.⁶ Against Mr. Rutledge's part of the motion no objection was made, But The sending a deputation to Rhode Island was a subject of considerable debate, in which the necessity of the

impost, in order to prevent separate appropriations by the States, to do equal justice to the public creditors, to maintain our national character & credit abroad, to obtain the loans essential for supplying the deficiencies of revenue, to prevent the encouragement which a failure of the scheme would give the Enemy to persevere in the war, were at length set forth. The objections, except those wch. came agst. the scheme itself from the Delegates of R. Island, were drawn from the unseasonableness of the proposition. Congress ought it was said to wait for an official answer to their demand of an explicit answer from R.I. before they could with propriety repeat their exhortations. To which it was replied that altho' this objection might have some weight, yet the urgency of our situation, and the chance of giving a favorable turn to the negotiations on foot for peace, rendered it of little comparative signification. The objections were finally retracted, and both the propositions agreed to. The Deputation elected were Mr. Osgood, Mr. Mifflin & Mr. Nash taken from different parts of the U.S. & each from States which had fully adopted the Impost, and represented in Congress without them; except Mr. O whose State, he being alone, was not represented without him.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:371-74.

¹ The committee chaired by David Ramsay that reported this day had been appointed November 21 in response to a November 5 letter from Adjutant General Edward Hand, forwarded to Congress by the Secretary at War, explaining that he could conduct his business more expeditiously if he had the franking privilege. Ramsay's committee first proposed a supplement to the October 18 and 28 ordinances for regulating the post office which Congress rejected this day, referring Hand's letter back to the committee "to consider the general subject of franks, in order to extend or restrain the privilege as they may find necessary." The committee reported on November 27 and December 4 and 19 drafts of an ordinance ultimately adopted on December 24 amending the new post office regulations and extending the franking privilege to the adjutant general and the heads of five other specified army departments. See PCC, item 149, 2:147-50; and JCC, 23:749n.1, 754-55, 757, 764, 770, 820-21, 823, 830.

² See David Howell to John Carter, October 16, 1782.

³ That is, Hugh Williamson, who was appointed this day to chair the committee investigating David Howell's publication. See *ibid.*; and Madison's Notes, December 12, note 1.

⁴ John Rutledge.

⁵ See Madison's Notes, December 4, 1782.

⁶ For Congress' decisions this day to direct Robert Morris to "represent to the legislatures of the several states, the indispensable necessity for complying with the requisitions of Congress" and to send a deputation consisting of Samuel Osgood, Thomas Mifflin, and Abner Nash to Rhode Island to make "a full and just representation of the public affairs of the United States," see JCC, 23:770-72. The superintendent of finance met with Nash and Mifflin on December 7, however, and decided not to prepare a circular to the states on requisitions or the impost, apparently out of consideration of the omission of the Rhode Island deputation. See Morris, *Papers* (Ferguson), 7:179-80. For a review of the Howell affair, the fate of the congressional deputation, and the involvement of Thomas Paine in the campaign to convert Rhode Island, see *ibid.*, pp. 78-86. See also Jonathan Arnold to William Greene, December 18, 1782.

Jonathan Arnold to Daniel Cahoon

Dear Sir, *Confidential at present.* Philadelphia. Decemr. 7th. 1782.

I wrote you not long since a lengthy Letter¹—containing but little besides conjectures—since which no foreign intelligence has transpired.

But my dear friend, I am sorry to say Domestic matters afford a much larger field of disagreeable intelligence, than I can at this time improve—shall therefore content my self at present with giving the Outlines.

I will suppose a system adopted wch. in the end, if not prevented, will ruin the Liberties we have so dearly purchased & so nearly secured. If the Appointment of a Civil list, with such enormous Salaries, as swallow up a very considerable part of all the Taxes which the people now pay—and to which Salaries additions are made or solicited to be made—as fast as new sources of revenue can be invented. If the entire neglect of settling and Liquidating public debts, whereby the Creditors may be satisfied & public Credit restored, upon the Constitutional principles of Confederation. If the seeking not only by recommendations but by positive demands (accompanied by threats of vengeance in Case of non compliance—tho' not in a Public capacity, yet by Persons in the first Public Stations, spoken in private Capacities). An enlargement of Powers, beyond the Confederation and which amount to nothing short of a total surrender of their Liberties—without any other plea—for such requisition—but NECESSITY (which necessity—has been in a great measure it is to be feared designedly created in order to found the plea upon) and if the most illegal, arbitrary, & unconstitutional measures pursued and pursuing, contrary to the faith of a Nation solemnly & sacred pledged, merely on a wanton supposition that Power is possessed, sufficient to carry such measures into execution and to this and Edicts, and Peremptory Mandates are Issued—to be immediately complied with and in case of non compliance—the Military force of the Nation—directed to compel it, when the People against whom this Edict has passed—has never been notified, of the charges against them—or had an Opportunity to defend & exculpate themselves—from those Charges—but are condemned ex parte—their Accusers, being the only Witnesses—and who are also the Party said to be aggrieved!

If the Continually appointing or promoting new Officers of high Rank in the Military Line & dismissing them upon half pay for Life—because they were confessedly unnecessary, in the Army at the time of their Appointment or Promotion and who by this means, become dependant on those who appointed them—for their half Pay & emoluments—and are therefore of necessity—interested to enlarge the powers of Government, so as to enable them to fulfil their engage-

ments with them—however hard, disagreeable & burthensome it may be to the Industrious Citizen, Artizan or Farmer—to have monies for such purposes—drawn from them—(and who never will unless debased to a state of Abject Slavery).

I say sir—if these, and many other circumstances, equally striking and alarming—will warrant the supposition aforesd.—it no longer remains a doubt.

These truths will very soon be announced to the public—in whom I yet maintain a Confidence, that there is sufficient Virtue to effectually oppose & prevent the Evil which impends.

I should have added above another Circumstance, not less suspicious than any mentioned, which is the Neglect of Paying the Army, who are kept in a suffering state for want of it and who are constantly told, the deficiency arises from the inattention of the several States, their inability to raise the necessary sums by constitutional Taxation, and that they are not to expect it, unless the States can be prevailed with to invest Government with the powers before mentioned—by this means an undue & unjust jealousy is excited in the Army against the Citizens—who they are by such Artifice taught to consider in the light of enemies—and their whole Affection absorbed in the Measures of Government who they are taught to look up to as their Fathers & protectors & who would also be their generous supporters, were they duly empowered by the States for that purpose And It should be particularly noticed that during this time the Army is unpaid—the Salaries of the Civil List, from One to four or five Thousand Dollars per Annum are supposed to be regularly satisfied!!! I do not know positively that the whole of the sd. Salaries are paid—but from circumstances have reason to suppose it.

I will trouble you with one Circumstance more. Upon a Friday Mr. Howell & myself (& I believe every other Member) had Cards to dine with a Certain Officer in the Civil List²—(who has 4000 Dollars Per-Ann.—exclusive of larger Allowances for Subs[istence]). The Thursday following—on Monday between—the sd. Officer made known by a Lengthy Memorial—in which Matters were accurately stated—his desire to Resign—for this Reason, That he held another Office in a certain State—which interfered with this and from which his State would not or did not release him. So far (you will say) is very good—true—but the Memorial closed with a hint, that the expences of the Office the last year had been, If memory fails not, more than *Three Thousand Dollars* over the 4000, allowed!!! and a wish was expressed to this effect, that if it was judged proper to release him—whoever should be appointed as a successor might be considered in expences—by a due increase of Salary!!! Upon considering the Case We tho't fit, ie Mr H & myself, to decline his invitation—which has

been considered as an Affront—but I have the satisfaction to add—that thro' Mr. Howells influence—in which I most heartily concurred, contrary to the expectation not to say of him, but of his Friends—His resignation was Accepted. This was so mortifying a Circumstance, that, it cannot be forgiven, and we are both in a Situation—disagreeable enough.

But from an Inward Consciousness of having Acted from upright Principles, & for the Interest of Our Constituents—we console ourselves with these lines of the Poet.

One Self approving hour whole years outweighs
Of stupid starers & of loud Huzzas—
And more true joy, Marcellus exil'd feels
Than Caesar, with a Senate at his heels.³

God bless & preserve you & yours, My dear sir. Adieu.

Jona Arnold

NB. As my last was fill'd with Conjectures, I thought best to give in this only naked facts & submit to you as Commentator.

Please to present my Paternal regards to Lyndon to whom I have not time to write at Present, & favor him with the reading this hasty scrawl.

RC (PPRF: Americana Collection).

¹ Not found.

² That is, Robert R. Livingston, whose resignation as secretary for foreign affairs was predicated in part on the inadequacy of his salary, for which see James Madison's Notes of Debates, November 28, December 2 and 3, 1782.

³ Alexander Pope, *Essay on Man*, Epis. iv, 11. 255–58.

Abraham Clark to William Livingston

Sir,

Philada. Decr. 7th. 1782.

I take the liberty to enclose the proceedings of Congress relative to some late transactions in the state of Vermont,¹ which I wish may be communicated to the Legislature. By this procedure, It appears to me, we may nearly predict the fate of Vermont so far as the same depends upon any decision of Congress, but of this it may be improper for me to say much at this time. I have the honour to be, with due regard, Sir, your Obedt. Servt.

Abra. Clark

RC (NN: Livingston Papers).

¹ For these December 5 resolutions, which attempted to discipline Vermont for her banishment of "subjects of . . . the State of New York" claimed to be within her jurisdiction, see *JCC*, 23:765–69.

William Floyd to George Clinton

Sir

Philadelphia December 7th. 1782

As we have in our Official Letter¹ Informed your Excellency of all Matters that are of a publick nature And that Relate to our State, I Shall only Remind you of my Situation With Respect to the means of Support; I did not Leave home with any Expectation of Coming to this place, unless the State in the first Instance did furnish me with money. But by your Excellencys Advise, Expecting that I Should very Soon be Supplied I was Induced to Come on, I am now here at my own Expence which I am not able to Sustain but a very Short time Longer, under these Circumstance your Excellency will Easily Discover my Embarassment, and I hope Devise Some way for my Relief that I may not be Involved in Difficulties that are Disgraceful to myself and to the State.

From Sir your most Obedt. and humble Sevt, Wm. Floyd

RC (PPRF: Americana Collection).

¹ Perhaps the New York Delegates' letter to Clinton dated December 9; but see also James Duane to Clinton, December 5, 1782.

James Madison's Notes

Saturday Decr. 7. [1782]

No Congress

The Grand Committee met again on the business of the old paper emissions, and agreed to the plan reported by the subcommittee in pursuance of Mr. Fitzimmon's motion,¹ viz. that the outstanding bills should be taken up & certificates issued in place thereof at the rate of 1 real Dollar for nominal ds. and that the surpluses redeemed by particular states shod. be credited to them at the same rate. Mr. Carroll alone dissented to the plan, alledging that a law of Maryland was adverse to it which he considered as equipollent to an instruction.² For filling up the blank several rates were proposed 1st. 1 for 40 on which all the votes were *no* except Mr. Howell—2d. 1 for 75 *no*. Mr. White & Mr. Howel ay. 3d. 1 for 100. *no*. Mr. Hamilton & Mr. Fitzimmons ay. 4th. 1 for 150. *no*. Mr. Fitz. & H. ay. The reasons urged in favor of 1 for 40 were first an adherence to public faith, secondly that the depreciation of the certificates would reduce the rate sufficiently low, they being now negotiated at the rate of three or four for one. The reason for 1 for 75 was that the bills passed at that rate when they were called in, in the Eastern States for 1 for 100—that as popular ideas were opposed to the stipulated rate, and as adopting the current rate might hurt the credit of other securities which derived their value

from an opinion that they would be strictly redeemed, it was best to take an arbitrary rate, leaning to the side of liberality—for 1 for 150 that this was the medium depreciation when the circulation ceased. The opposition to these several rates came from the Southern Delegates, in some of whose States none, in others but little had been redeemed, & in all of which the depreciation had been much greater.³ On this side it was observed by _____ that the States which had redeemed a surplus, or even their quotas, had not done it within the period fixed by Congress but in the last stages of depreciation, & in a great degree, even after the money had ceased to circulate; that since the supposed Cessation the money had generally changed hands at a value far below any rate that had been named; that the principle established by the plan of the 18th of March 1780, with respect to the money in question was, that the Holder of it shd. receive the value at which it was current & at which it was presumed he had received it; that a different rule adopted with regard to the same money in different stages of its downfall wd. give general dissatisfaction. The Committee adjourned without coming to any decision.⁴

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:377–78.

¹ See Madison's Notes, November 26, notes 1 and 5.

² In its November 1782 session the Maryland Assembly had passed a law permitting its citizens to exchange Continental loan office certificates for the state's securities. See *Laws of Maryland, Made Since M,DCC,LXIII*, edited by Alexander Contee Hanson (Annapolis: F. Green, Printer to the State, 1787), chapter XXV.

³ The southern delegates on the grand committee were John Rutledge, Hugh Williamson, and Madison, who had replaced Arthur Lee in October.

⁴ For the grand committee's attempt to come to such a decision, recommending that the rate should be set at 40 to 1, see Madison's Notes, December 24, note 12.

Rhode Island Delegates to William Greene

Sir,

Philadelphia Decemr. 7th. 1782.

By a Resolve of Congress of Yesterday a Committee of Congress, consisting of The hon'ble Mr. Osgood, the honorable Mr. Mifflin, and the Honl Mr. Nash, was appointed to wait on our Legislature to urge them into a Compliance with the Impost.¹

Those Gentlemen being respectable in their private, as well as Public Characters, are well entituled to Attention & respect. This we cannot doubt they will recieve, tho' we cannot wish them success in the business of their Appointment.

We earnestly urged Congress to suspend this Measure until they should have recieved the States' reply to the demand of Congress, for an immediate & definitive Answer, which was daily expected, but urged in vain—It seeming to be the sense of Congress, That no reasons would divert them from the Measure.²

The Affairs of Vermont are drawing to such a serious Crisis that it is our request to be therein specially instructed. The State of New-Jersey, have lately instructed their delegates—

That they consider the people of Vermont justly entituled to independence, by the resolves of Congress, and to oppose every measure contrary thereto,

Herewith enclosed are certified extracts from the Journals of Congress of Proceedings in regard to that people—Upon which no comment on our part will be necessary, and we shall only observe that we cannot but consider the Resolve of the 5th Instant truly alarming.³

We have heard of Instructions to be sent forward from the October session of Assembly but none have yet come to hand.

With sentiments of Esteem and respect, We have the Honor to be,
Your Excellency's Very huml Servts.

Jona Arnold

David Howell

RC (R-Ar: Letters to Governors). Written by Arnold and signed by Arnold and Howell.

¹ See James Madison's Notes of Debates, December 6, note 6.

² In fact, when Rhode Island's reply was received on December 11, Congress dismissed Arnold's and Howell's effort to repeal the resolution appointing the Rhode Island deputation, refusing (unanimously except for Rhode Island) even to put their motion to a vote. See *JCC*, 23:788-90; and Elias Boudinot to Greene, December 11, 1782.

³ See *JCC*, 23:765-69.

William Floyd to James Duane

Dear Sir

Philadelphia Decbr. 9th. 1782

Since you left this place¹ we have had Phelps's Business on the Carpet and Congress have, Resolved that those persons should be Restored to their possessions, and property;² it is done in pretty Spirited Terms and I hope will have a good Effect.

Congress are so Impressed with the Necessity of the 5 per Cent Duty that they have appointed a Deputation of Three, to go to Rhod Island and Endeavour to Convince that State of the propriety of the measure, the Gentlemen are Mifflin, Nash, and Osgood.

The persons Appointed to fill the Vacancy in the Court of Appeals are Mr. Lowel, of Boston & Mr. George Reed of Delaware.³

I am Sorry to Inform you that the Chancellor has Resigned his Office as Secry. of foreign Affairs and Expects to Return to the State in January next.

Inclosed are your Tayler and horse Keeping Bills which you Desired me to pay; the Doller & half, which you left is paid agreeable to your Desire.

We have no Official Account of Gibralter' being Relieved But it is not much Doubted.

Charlestown was not Evacuated by our last accounts. From Sir your
most obedt. and humble Servt. Wm. Floyd

RC (NH: Duane Papers).

¹ Duane and Ezra L'Hommedieu had obtained leave of absence on November 27, the day Floyd had taken his seat in Congress. *JCC*, 23:754–55.

² See the following entry, note 1.

³ See Elias Boudinot to George Read, December 6, and to John Lowell, December 11, 1782.

New York Delegates to George Clinton

Sir, Philadelphia, Decr. 9th, 1782.

Inclosed we have the honor to transmit Your Excellency sundry resolutions of Congress of the 5th instant;¹ by which you will judge of the present temper of that body, respecting the affairs of the grants. We cannot, however, absolutely rely upon the execution of the coercive part of them if the matter should require an exertion of force. Many who at a distance adopt very decisive ideas, might shrink from a measure replete with consequences at least delicate, if not dangerous. The principal advantage we promise ourselves from these resolutions is, that they will give a complexion to the future deliberations on the subject and may induce Congress the more readily to adopt some moderate medium. It, therefore, becomes the policy of the State to facilitate as much as lies in its power this object, by doing everything (if anything remains undone) that may tend to conciliate the inhabitants of the Grants, and to take away all motives of opposition from the private interests of individuals in the other States. It is to be recollected in particular that a considerable part of the army is interested in grants of land to a large extent under the usurped government of Vermont. Much will depend upon their disposition in the progress of the business, and it is, therefore, of primary importance that they should be secured at all events. We apprehend there should be a confirmation of their titles unfettered by any condition whatsoever; if any are annexed by the acts of last Winter relative to that subject (which we do not find among our papers) we take the liberty to suggest that they will be worthy the future consideration of the legislature.² We enlarge the less on these topics as we are persuaded the wisdom of the State will distinguish and pursue the true line of policy upon this occasion, and will clearly perceive the propriety of moderation.

Congress have resolved to send a deputation of three members to the State of Rhode Island to urge their compliance with the requisition of the five per Cent duty as a measure essential to the safety and reputation of these states. The members chosen are Mr. Mifflin, Mr. Nash and Mr. Osgood.

We have the honor to be With perfect respect, Yr Excellency's Most
Obedt. Hum. Serv.

Wm Floyd

Alex Hamilton

Reprinted from Clinton, *Papers* (Hastings), 8:56-57.

¹ See *JCC*, 23:765-69; and *ibid.*, pp. 57-58. Clinton was also sent a copy of these resolves with a brief letter from Pres. Elias Boudinot of December 14. *PCC*, item 16, fols. 166-67.

² The New York legislature had passed an act on April 14, 1782, confirming title of all land grants made "under the name" of the "state of Vermont," which John Morin Scott had presented to Congress on May 21. See *JCC*, 22:283-86; and Scott to Clinton, May 21, 1782.

Elias Boudinot to Lewis Pintard

My dear Sir,

Philadelphia Decr. 10, 1782

As usual, Monday Morning made us happy by your Favour of the 7th Instt. in return for which *his Excy* has the honor of enclosing you a number of Letters from Madeira & what is of more importance, a very valuable small Bundle that contains *Riches indeed*, from the same Place. I had the honor of opening the Captains to gratify her Excys. Curiosity which I hope will not be unpardonable. She has got about again this day & I hope will be entirely relieved from her Pains in the Teeth.

I am sorry the Colts will be so much Trouble, but I do not know what to do with them. If there is stable Room, I wish all of them were stabled to prevent their Injuring the Neighbours. I will try hard to dispose of the oldest if possible. As to the Hay I am not uneasy about it, as I know it will be very high in the Spring. I have been already applied to for five Tons by a Person 15 Miles from the Ridge, who proposed carting it that distance. It will be £7 & £8 per Ton in the Spring. We have recd the Sweet Meats, Candle Sticks &ca. We now want the Broaches only, having purchased the others. Mrs. Hetfield had better wait till a Cow Calves before she takes one, unless she can swap one to suit her. I have sent two Boxes of Sugar at abt 800 wt. to Mr Marquier's at Trenton to wait Mrs. Hetfields Order also a Box of Chocolate wt 50 lb. If you write to Marquier he will deliver it. Patty is well & has gone to dancing School.

Now for News. Gibraltar is relieved—the Combined Fleet having been driven off at the very Time, Lord Howe was ready to run in—his Lordship Caught one Sp. Man of War & drove another on Shore. The Siege is raised & we hope now that they will be ready to act in the West Indies. This is unpalatable News—to Counterbalance it, the French have succeeded in an Expedition to Hudsons Bay, where they have taken of the Company's property to the amount of £500,000 Sterl. & destroyed all the Companys Settlements & brought off the Inhabitants.¹ I recd Letters this day from Genl Greene of the 12th

Ultimo—he speaks of the Evacuation as a certainty. They only waiting for Admiral Pigott. The Trade of this Country will be protected this winter. I must beg that you will send me a good parcel of your best Melon Seed, saved of your good Melons. I must also beg the Favour of your drawing a sett of Bills on your Friend in Holland for the monies remitted him on my Acct. as I want to send for some few Articles for her Exclý—and perhaps I may stand a chance now to get them Freight free in some public Vessel.

I believe all the reports about an Evacuation of New York take their Rise from an intended embarkation of 5000 Men for the West Indies. I enclose the Papers as usual. Our kind Love to Mrs. P. & Johnny and all Friends. I hope you let Mr Livingston see the Papers, as they will divert him. Our Love to their Family.

Am My Dr Sir, Yours Afftly.

B

[P.S.] Please to send to Mrs. Hetfeild 2 of the thickest coarsest blankets, and one of the old bed quilts.

RC (PHi: Boudinot Papers).

¹ For the capture of the posts of the Hudson's Bay Company by a French expedition under the direction of the comte de La Perouse, see Edwin H. Rich, *The History of the Hudson's Bay Company, 1670–1870*, 2 vols. (London: Hudson's Bay Record Society, 1958–59), 2:84–89.

James Madison's Notes of Debates

Teusday 10. Decr. [1782]

A Motion was made by Mr. Ramsay directing the Secy. at War who was abt. to visit his family in Massachussetts, to take Vermont in his way, & deliver the Resolutions passed a few days since to Mr. Chittenden.¹ For the motion it was urged that it would insure the delivery, would have a conciliating effect, and would be the means of obtaining true and certain knowledge of the disposition & views of that people. On the opposite side it was exclaimed agst. as a degradation of so high a servt. of the U. S. as exposing him to the temerity of leaders who were on good grounds suspected of being hostile to the U. S. and as treating their pretensions to Sovereignty with greater complaisance than was consistent with the eventual resolutions of Congress. The motion was rejected.

A motion was made by Mr. Gilmon that a day be assigned for determining finally the affair of Vermont.² The opposition made to the motion itself, by Rhode Island & the disagreement as to the day among the friends of the motion prevented a decision & it was suffered to lye over.³

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:388.

¹ Ramsay's proposal would have directed Benjamin Lincoln to deliver Pres. Elias Boudinot's December 11 letter to Vermont governor Thomas Chittenden.

² See *JCC*, 23:782.

³ At this point in the manuscript Madison later inserted: "For the letter of the Supert. of Finance to T.B. Comr. for settling acct. in Europe, agreed to by Congs. see secret Journal of this date." For Robert Morris' December 5 letter to Thomas Barclay, see *JCC*, 23:773–82; and Morris, *Papers* (Ferguson), 7:168–74.

James Madison to Edmund Randolph

My dear Sir

Philada. 10th Decr. 1782.

The Assembly of Penna. have with much difficulty been prevailed on to desist from a plan in which a part of the Requisition of Congress allotted for other uses was to be appropriated to their citizens creditors of the U.S.¹ The consequences apprehended by Congress from such an example, and the probability that the plan will be renewed at the next meeting unless some intermediate provision be made for the credit of the U.S. have produced two Resolutions 1st. an instruction to the Superintendent of Finance to represent to the States the pernicious tendency of such unconstitutional appropriations; 2dly. a deputation of Mr. Osgood, Mr. Mifflin & Mr. Nash to enforce on Rhode the impost of 5 perCt.² The latter Resolution besides its tendency to the immediate end proposed by the first, was called for³ {the general pressure of our necessities}.⁴ Our official letter incloses these Resolutions to the Executive, and hazards some {very free and alarming} remarks for {the legislature} directly pointing to {a fuller compliance} with {the impost}.⁵ I have added a private letter to the Governor⁶ which is still more explicit & pointed on the subject. In the present situation of our affairs, we did not think less would justify us to ourselves or to our Constituents.

Mr. Harrison at Cadiz has advised the Secy. of Foreign Affairs that the British fleet under Admiral Howe had effected the relief of Gibraltar, by decoying the combined fleets from their station, & throwing in succours, before the weather would allow the latter to regain it. He says the British fleet on its return was pursued by the Combined fleet.⁷ The Vessel by which this letter came reports that she passed through the Combined fleet after she left Cadiz, and that two Spanish ships had been lost, one having fallen into the hands of the Enemy & the other chased on shore by them. Mr. Harrison adds as a more welcome article that a detachment of Frigates &c which had been sent from Cape Francois for the demolition of the British Factories on Hudson's Bay had arrived in Europe with a report of complete success, having destroyed & taken effects to the value of half a million Sterlg.

The Secy. of F.A. has resigned his office in form, but will continue to act for the present month, to prevent an interregnum in the Department. The 19th instant is fixed for the choice of a Successor. No one has yet been put in nomination.⁸

By Mr. Jefferson's letter to the Office of F.A. and a private one to myself, he may be expected here about the end of this month.⁹ It is improper therefore to address any thing to him.

The Grand Committee have had another meeting on the subject mentioned in a late letter. The scheme of Mr. Fitz—n's was adopted with the {rates of} depreciation {left blank}. The ideas on this point varied from forty to one hundred and fifty and upwards for one.¹⁰

RC (DLC: Madison Papers). In Madison's hand, though not signed. Madison, *Papers* (Hutchinson), 5:394–95.

¹ See Madison's Notes, December 4, 1782. For a discussion of the threat this Pennsylvania proposal posed to Continental management of the public debt, see E. James Ferguson, *The Power of the Purse* (Chapel Hill: University of North Carolina Press, 1961), pp. 221–23.

² See Madison's Notes, December 6, note 6.

³ At this point in the text Madison inserted in the margin: "I make use of the Official Cypher as more familiar & equally proper here," for which see Virginia Delegates to Benjamin Harrison, April 23, 1782, note 5.

⁴ Words printed in braces in this text were written by Madison in cipher.

⁵ See the following entry.

⁶ Not found, but for the governor's reply of January 4, see Madison, *Papers* (Hutchinson), 6:11n.1.

⁷ For Richard Harrison's October 25 report to Robert R. Livingston on "the unfortunate Issue of the siege of Gibraltar," see PCC, item 92, fols. 411–13.

⁸ See Madison's Notes, November 28, note 1, and December 2, note 2.

⁹ For Thomas Jefferson's November 26 letters to Livingston and Madison, see Jefferson, *Papers* (Boyd), 6:206–7; and Madison, *Papers* (Hutchinson), 5:326–27.

¹⁰ See Madison's Notes, December 7, 1782.

Virginia Delegates to Benjamin Harrison

[December 10, 1782]¹

The public Creditors have for sometime past been extremely urgent for some effectual & permanent provision in their favor; and seeing but little prospect of obtaining it from the United States are turning their applications to their own States. Those who are Citizens of Pennsylvania in particular have adopted this policy and the Legislature having recd. no Satisfactory answer to two Memorials presented to Congress in their favor have been on the point of appropriating to their use a part of the requisition of Congress allotted for more essential Objects. Should such a measure be resorted to by one State it would probably be received by the Others as a Signal to take care each of its separate interest. The Effects of such a Step on the Union itself, on the Common Defence, on our national Character and on the Councils of the Enemy need not be traced. The apprehension of them by Congress produced the inclosed Instructions to the Superintendent of finance. The resolution which follows deputing three of their Members to Rhode Island to enforce the impost of 5 per Ct. was thought a precaution no less essential.² For besides the tendency of

this Fund if vested in the United States to prevent undue appropriations by the States we find by Melancholly experience that the annual contributions of the States if left to the entire appropriation of Congress are not only unequal to the annual expence, but unequal in point both of amount & punctuality to the interest of the annual expence. Unless some more effectual provision therefore be made for public credit every one must preconceive the dangers and perplexities which await us. The enemy already take courage from the prospect and the little progress made by Mr. Adams's Loan between his Letter in June & his last in August makes it probable that the attention of our friends has also been drawn to this subject.³ Indeed their disposition to lend at all can only have resulted from an ignorance of our affairs which the enemy would take care should not be of long continuance. How far the repugnance of Rhode island to the impost will yield to these considerations is uncertain, as it is how far they will further reconcile to that measure the States which have but partially acceded to it. Our Duty however requires that we should submit them thus—thro' your Excellency to the Judgment of our constituents.

MS (Vi: Continental Congress Papers). Extract in the hand of Virginia Council clerk Thomas L. Savage and endorsed by another hand: "Letter from Virginia Delegates in Congress to the Governor. 1782." Madison, *Papers* (Hutchinson), 5:389–90.

¹ The content and style of the letter suggests that it was written by James Madison. For subjects not covered in this extract, see Harrison's December 21 reply to "your favor of the 10th. Instant" in *ibid.*, pp. 430–31.

² The enclosed copy of Congress' December 6 resolutions, for which see Madison's Notes of Debates, December 6, note 6, is in the Continental Congress Papers, Vi.

³ For John Adams' letters, see John Hanson's second letter to Thomas Sim Lee, September 24, note 1.

Elias Boudinot to Thomas Chittenden

Sir,

Philadelphia 11th December 1782

I have the honor of inclosing you a copy of an Act of Congress of the 5th instant, respecting certain Acts and proceedings of the people inhabiting the District of Country on the West side of Connecticut River, commonly called the New-Hampshire Grants; which I beg you will communicate to the said people as soon as you conveniently can.¹

I likewise request to be informed of the proceedings which may take place in consequence of the above mentioned Resolutions as soon as possible.

I am, Sir, with due respect, your &c.

E. B.

LB (DNA: PCC, item 16).

¹ See *JCC*, 23:765–69; James Madison's Notes of Debates, December 5; and New York Delegates to George Clinton, December 9, 1782.

Elias Boudinot to William Greene

Sir, Philadelphia, December 11th. 1782.

Congress are equally affected and alarmed by the information they have received, that the Legislature of your State, at their last meeting, have refused their concurrence in the establishment of a duty upon Imposts. They consider this measure as so indispensable to the prosecution of the War, that a sense of duty and regard to the common safety compel them to renew their efforts to engage a compliance with it; and in this view they have determined to send a Deputation of three of their Members to your State, as expressed in the inclosed Resolution.¹ The Gentlemen they have appointed will be able to lay before you a full and just representation of the public affairs, from which they flatter themselves will result a conviction of the propriety of their solicitude upon the present occasion. Convinced by past experience of the zeal and patriotism of the State of Rhode-Island, they cannot doubt that it will yield to those urgent considerations which flow from a knowledge of our true situation.

They will only briefly observe, that the increasing discontents of the army, the loud clamours of the public creditors, and the extreme disproportion between the current supplies and the demands of the public service, are so many invincible arguments for the fund recommended by Congress. They feel themselves unable to devise any other, that will be more efficacious, less exceptionable or more generally agreeable; and if this is rejected they anticipate calamities of a most menacing nature, with this consolation however, that they have faithfully discharged their trust, and that the mischiefs which may follow cannot be attributed to them.

A principal object of the proposed fund is to procure loans abroad. If no security can be held out to Lenders, the success of these must necessarily be very limited. The last accounts upon the subject were not flattering; and when intelligence shall arrive in Europe that the State of Rhode-Island has disagreed to the only fund, which has yet been devised, there is every reason to apprehend it will have a fatal influence on their future progress. Deprived of this resource our affairs must, in all probability, rapidly hasten to a dangerous crisis, and these States be involved in greater embarrassments than they have yet experienced, and from which it may be much more difficult to emerge.

Congress will only add a request to your Excellency, that if the Legislature should not be sitting, it may be called together as speedily as possible to enable the Gentlemen whom they have deputed to perform the purpose of their mission.

I have the honor to be, with sentiments of high respect and esteem,
your Excellency's, &c.

E. B.

LB (DNA: PCC, item 16)

¹ For Congress' decision to send a deputation to Rhode Island to overcome the assembly's opposition to the impost amendment, see James Madison's *Notes of Debates*, December 6, note 6; and Rhode Island Delegates to Greene, December 7, 1782.

Elias Boudinot to William Livingston

Dear Sir,

Philadelphia, 11th December 1782.

As one of your Delegates in Congress I have the honor to enclose to your Excellency, for the information of the Legislature, a copy of some resolutions of Congress lately passed, relating to Vermont.¹ I think this necessary, that the Legislature may be informed from time to time of what passes relative to that people, as I am very apprehensive matters are becoming very serious with regard to them. We have had late advices that the enemy are tampering with them; and I shall be glad if nothing important is already effected with some of their principal Men. I inclose a copy of a declaration of one Christopher Osgood, which it is said relates to the conduct of some of the people who adhere to the State of New-York, but this is not certain.²

The News from Gibraltar is confirmed—I trouble your Excellency with a copy of a letter from our Agent at Cadiz on this subject.³

Genl. Greene writes on the 11th ult. "that the evacuation of Charles Town will not take place till the 20th or 21st. The enemy are in readiness to embark, and have got transports sufficient to carry them off; but it is said they are waiting for Admiral Pigot to convoy them to the West Indies."⁴

I have the honor to be, with the highest respect and esteem, Sir, Your Excellency's Obed. & very humb. Servt, Elias Boudinot

P.S. Not being able to enclose the Decln. of Osgood, as I intended, must defer it till next Post. We have had a hint that a Letter was lately intercepted in our State from the late Genl Lee to the People of Vermont—if so & it is in your Excys Power, should be glad of a Copy of it. Every thing relating to that People grows more important.

RC (NN: Livingston Papers).

¹ See Boudinot to Thomas Chittenden, this date.

² See Boudinot to Washington, November 27, note 2.

³ See James Madison to Edmund Randolph, December 10, note 7.

⁴ For the extract from Gen. Nathanael Greene's November 11 letter to Secretary at War Benjamin Lincoln received by Congress this day, see *JCC*, 23:786n.1; and *PCC*, item 149, 2:179.

Elias Boudinot to John Lowell

Dear Sir,

Philadelphia 11th Dec. 1782.

To perform the duty of a first servant of our Country, by presenting her confidential honors as the reward of Merit, is undoubtedly very pleasing to every generous mind; but when the feelings of private friendship are at the same time highly gratified in so important a service, the reward is great indeed. With these sentiments permit me, Sir, to present the inclosed Commission by which you are appointed one of the Judges of the Court of appeals, and most cordially to congratulate you on this instance of the high esteem your Country bears towards you.¹ It is more worthy as it has been unsought for and unsolicited by you.

I doubt not but the appointment will do honor to Congress and be really beneficial to your Country.

I have the honor to be, &c,

E. B.

P.S. I had forgot to inform you that Mr. George Read, a Gentleman of great integrity and abilities of the Delaware State, was chosen at the same time with you in the room of Mr. Paca, resigned; And in order to settle precedence between you, lots were drawn, when it turned in favour of Mr. Read; wherefore your commission is dated the day after his.²

LB (DNA: PCC, item 16).

¹ See Boudinot to George Read, December 6, 1782.

² Since this action was not taken until December 13, it is clear that Boudinot did not complete this letter before that date. See *JCC*, 23:797. For its delayed delivery, see Samuel Osgood to Lowell, December 25, 1782.

Elias Boudinot to George Washington

Dear Sir,

Philadelphia, 11th December 1782

I am to acknowlege the receipt of your Excellency's polite letter of the 4th instant, and am much obliged by the intelligence it contained.¹ We have since received letters from our Agent Mr. Harrison at Cadiz, a copy of which I enclose.

By a letter from General Greene of the 11th of November, we are informed, "that the evacuation of Charles Town will not take place till the 20th or 21st. The enemy are in readiness to embark and have got Transports sufficient to carry them off; but it is said they are waiting for Admiral Pigot to convoy them to the West Indies."

I have the honor of inclosing a letter directed to Thomas Chitten-don, Esquire, at Bennington.² It contains Resolutions of Congress,

which it is their wish your Excellency could forward, as directed, by some trusty Hand, who will take a receipt of the delivery, which may be returned to Congress. For your Excellency's information only, I also enclose a copy of the resolutions referred to.

By some private advices from New-York, it is Said that an embarkation of 5000 Men for the West Indies is taking place in that City.

I have the honor to be, with the highest sentiments of respect and esteem, Your Excellency's Obedient & very humb. Servt.

Elias Boudinot

RC (DLC: Washington Papers).

¹ Washington's December 4 letter, reporting "that the English Fleet had penetrated the Road of Gibraltar," is in PCC, item 152, 11:37-39; and Washington, *Writings* (Fitzpatrick), 25:394.

² See Boudinot to Chittenden, this date.

Abraham Clark to Elias Dayton

Dear Sir,

Philadela. Decr. 11th 1782

Since my last of this day week¹ Congress have been Attempting various measures respecting promotions but nothing certain is yet fixed upon. A report hath been again brought in Similar to the one rejected, with this addition that you and two others by name be Appointed Brigadiers. I consent to agree, in case the last clause is first taken up & passed, or to pass the whole together. I cannot give you any Assurance, but from present Appearances I must request that you do not think of resigning untill I can inform you of something decisively done that will settle the business one way or other.² Genl. Washington hath wrote more pointedly in your favour than the Letter that Accompanied yours³—and the prospect in your favour is much greater than at any former time. You are not to consider any Opposition to your promotion as Arising from any Objection to you personally; all proceeds upon political Views in the different members. I must repeat my request that you desist from resigning, you can with propriety delay this till the first of January, while we have reason to expect in a day or two this business may be compleated here. Genl. Lincoln hath interested himself in your favour in Consequence of Genl. Washingtons last Letter to him. Colo Shepperd of Massachusets hath resigned & gone home.

I am, Dear Sir, Your Obedt. Hum Servt.

Abra. Clark

RC (NjHi: Bamberger Autograph Collection).

¹ Not found.

² For the promotion of Colonel Dayton, see the letters to him from Clark of December 16 and from Elias Boudinot of December 25.

³ See Washington, *Writings* (Fitzpatrick), 25:329, 395.

James Madison's Notes of Debates

Wednesday 11th Decr. [1782]

The Secy. at war was authorized to permit the British Prisoners to hire themselves out on condition of bond from the Hirres for their return.¹ The measure was not opposed, but was acquiesced in by some, only as conformable to antecedent principles established by Congress on this subject. Col Hamilton in particular gave this explanation.

Mr. Wilson made a motion refering the transmission of the Resolutions concerning Vermont, to the Secy. at War in such words as left him an option of being the Bearer, without the avowed sanction of Congress.² The votes of Virga. & N. York negatived it. The Presidt. informed Congress that he should send the Resolutions to the Commander in cheif to be forwarded.³

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:396.

¹ For the resolution adopted this day permitting British prisoners to seek employment as laborers provided their employer executed "a penal bond of one hundred pounds current money of Pensylvania" and paid "to the Superintendant of Finance four dollars monthly for the hire of such prisoner," see *JCC*, 23:785.

² See Madison's Notes, December 10, note 1.

³ See Elias Boudinot to Washington, this date, note 2.

New Hampshire Delegates to Meshech Weare

Sir,

Philada. Decr. 11th 1782.

On the 9th Instt. we were Honored with your Letter of the 26th Ultimo, Inclosing a Representation from Mr. Blanchard in behalfe of the New Hampshire Line and the Report of a Committee thereon.¹ The Subject of a Settlement with the Army for Pay, Depreciation & retained Rations is now under Consideration. The substance of the Report is that Settlements should be Immediately made by the United States up to the last Day of December 1781. The propriety of this measure and the Impropriety of Such Settlements being made by the States Individually is much Urged; we Shall Endeavour to have this matter determined as soon as possible, and (for Sundry reasons) are Induced to Urge that Settlements Should be made by the States Individually up to the last Day of Decr. 1781.

You have Inclosed Sundry Resolutions passed the 5th Instt. Respecting the affairs of Vermont; a Resolution is now under Consideration for Assigning a Day when Congress will make their Final Determination respecting that Territory. This we Endeavoured to have determined in season to be Transmitted by this Post, but it has met with such Obstructions as has hitherto prevented, it will probably be done in few Days—as the final Determination of this matter is of very great

Importance we have to repeat the request, that the Honorable the Legislature would be pleased to give their Explicit Instructions on the Subject. They will Undoubtedly Examine the Act of November 1779, and other Resolutions and Instructions now in force, on this Subject. It is probable the first Question will be whether they shall be a Seperate and Independent State; if this Should be Determined in the Negative we should then wish to know whether the Honorable The Legislature would desire to have the matter determined in the Mode prescribed by the Ninth Article of Confederation, or Attempt an Agreement and Accomodation repecting the Same with New-York & Massachusetts.

We have frequently heard while in the State that this Affair might be Easily Settled, but although much has been done by the State to obtain a Settlement; Special Agents have been Appointed for the purpose; and it is now more than Three Years Since the Act passed Submitting the affair to Congress, Still it remains Unsettled and is greatly Embarrassed.

Inclosed is an Extract of a Letter from Genl. Greene to the Secretary at War respecting the Evacuation of Charlestown.² Three Members of Congress Viz Mr. Osgood of Massachts., Genl. Mifflin of Pennsylvania & Mr. Nash of North Carolina are appointed to go to the State of Rhode Island on the Subject of the five per Cent Impost, to lay before them a State of Facts and to represent the Necessity of their Compliance.

As we Consider it a matter worthy of the first Consideration of the Honorable The Legislature that the State should be Constantly represented in Congress and as we wish to return to the State the begining of April next, Hope Delegates will be seasonably Appointed to relieve us at that time. In the Interim shall be in want of some Money to pay Expences which hope will be seasonably furnished. We have the Honor to be Your most Obedt. Servts. P White

John Taylor Gilman

RC (Nh-Ar: Vermont Controversy Collection). Written by Gilman and signed by Gilman and White.

¹ A draft of Weare's November 26 letter, supporting Lt. James Blanchard's memorial seeking a "settlement for their retained rations" on behalf of the soldiers of the New Hampshire Line, is in the Weare Papers, MHi. For the report of the New Hampshire Assembly committee thereon, see *N.H. State Papers*, 8:953.

² See Elias Boudinot to William Livingston, this date, note 4.

Alexander Hamilton to John Laurence

Novemr. [*i.e.*, December] 12th. [1782]¹

I was equally sorry My Dear friend that you were absent when I called at your house: I should have been happy to have seen you to converse on many things.

You seem to wish a further explanation of the reasons which prevented the success of my application on a certain head.² They were purely what I conjectured—a desire to conciliate a certain Gentleman on the spot and gain his influence in some matters of importance; but this I mention in confidence.

There is nothing I can recommend to your attention at your next meeting, so interesting as your system of taxation. In all probability the war will not end here and to carry it on we require absolutely more solid arrangements of finance, besides you ought to adopt them with a view to your own internal prosperity and to your future security as a state.

I should also be glad to see a good establishment for your militia adopted, something like that of Switzerland. God grant the union may last, but it is too frail now to be relied on, and we ought to be prepared for the worst. I inclose you a few outlines on the subject. Show them to our friend Malcolm, and under the character of Adjutant General or Inspector or whatever else you please, put the execution in his hands.

The affairs of Vermont will engage your attention; be moderate by all means. You will see our ideas in a late letter to the Governor.³ They certainly will have a good effect if adopted. Meet New Hampshire on compromising grounds. I wish the two states would appoint commissioners and make a division; if a slice were given to Massachusettes it would be good policy and silence all opposition. A measure of this nature will meet the general support of Congress. I believe something will be recommended with a view to it, so soon as we have a fuller representation.

I am Your war(---) Affe(---)

AH

Reprinted from Hamilton, *Papers* (Syrett), 3:211–12.

¹ Although dated “Novemr.” by Hamilton, the contents of this letter clearly indicate that it was written in December after Hamilton first attended Congress on November 25. *JCC*, 23:750.

² Hamilton may have been referring to his unsuccessful support of William Malcom to succeed him as receiver of continental taxes in New York—a position received by Thomas Tillotson. See Hamilton, *Papers* (Syrett), 3:110, 152–53, 170, 186–87. See also James Duane to Abraham Yates, September 15, 1782.

³ See New York Delegates to Clinton, December 9, 1782.

James Madison's Notes of Debates

Thursday Decr. 12. [1782]

The Report touching the publication in the Boston paper supposed to be written by Mr. Howell, passed with the concurrence of R. Island; Mr. H hesitating & finally beckoning to, Mr. Collins who answered in the affirmative.¹ As the Report stood, the Executive of Massachusetts as well as of Rho. Island was to be written to, the Gazette being

printed at Boston. On the motion of Mr. Osgood who had seen the original publication in the Providence Gazette and apprehended a constructive imputation on the Mass. Delegates by such as wd. be ignorant of the circumstances, the Executive of Massts. was expunged.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:398.

¹ For the report of the committee appointed December 6—Hugh Williamson, Daniel Carroll, and Madison—to investigate the publication of secret information on foreign loans, see *JCC*, 23:769–70, 791–92. Congress postponed, however, a “further report” of the committee—written by Madison—pointing out that “the obligation of secrecy . . . has been violated,” but that “Congress cannot take notice of it on the present occasion without authentically disclosing facts they wish to conceal” until after “the author of the said letter shall have been investigated.” See *JCC*, 23:792–93; and Madison, *Papers* (Hutchinson), 5:397. See also Madison’s Notes, December 18, 1782.

James Madison’s Notes of Debates

Friday Decr. 13th. [1782]

Mr. H¹ verbally acknowledged himself to be the writer of the letter from which the extract was published in the Providence Gazette. At his instance the subject was postponed untill Monday.²

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:399.

¹ That is, David Howell. See Madison’s Notes, December 6 and 12, 1782.

² This information was not recorded in the journals.

Elias Boudinot to the Chevalier de La Luzerne

Monday Morning [December 16, 1782]¹

The Presidt. of Congress has the honor of transmitting to the Honble Minister plenipotentiary of France, the Resolution of Congress, he requested which has been this Moment unanimously passed.

RC (NjHi: Bamberger Autograph Collection).

¹ Boudinot penned this brief note at the foot of a sheet containing the following resolve in the hand of Charles Thomson dated “Dec. 16. 1782.” “Resolved That the honble the executive of the state of Delaware be and hereby are requested to give the necessary directions for providing quarters for the troops of his Most Christian Majesty serving with the army of the United States, now on their march for Wilmington.” *JCC*, 23:798. December 16, 1782, was a Monday.

Elias Boudinot to Lewis Pintard

My dear Sir,

Philadelphia Decr. 16th 1782

I am obliged to write to you whenever I can catch a Moment, tho’

several days before Post day, or loose the Opportunity, my Time no longer being at my own disposal. You[r] favour per Post is before me, and am really sorry that the Capt's Letter was omitted, which was never discovered till the rect of yours this Morning—It is now remedied.

We have as usual had a hearty Laugh at your Letter—and diverted ourselves at the Idea of your seeing it in Rivingtons Paper. I think it is most time to expect another Capture of the Mail & therefore you should begin to consider, how you would relish becoming so public a Man. A Frigate will go for Brest in about 8 or 10 Days, in which is a Capt of my Acquaintance. I can send Letters to Madeira very frequently. I am clear you had best stable the Colts &c. Mr Wallace will call on you for 5 Tons of Hay; if you think it can be spared, let him have it out of my Stacks—if not he can get it of Ricky on Mr Livingston's Estate acct. Mrs. B. engaged to let Southerd exchange a Cow. Manage the foddering of the Hay in such Manner as you think best. I recd. the Bills of Exchange, but had not adverted to my part of the money remitted being some in the Hands of Mr Donaldson & some in Mess Cromelines—So that I cannot proceed unless you can manage it so that I can get at that in Mr Donaldsons Hand too. Sammy has remitted monies to Holland & drawn a Bill in Favour of Mr D. to pay off his Debt—now as Mr D. is dead, could not Sammy give you a Bill in full of Mr D's Debt, and you let me have it on the acct of my part of the monies in his Hands, or any how else, so that I could get the Cash in Holland or France.

As to News the Charles Town Garrison is said to be arrived at N York but it wants Confirmation. Our Advices from Europe are still flattering. *I am not at liberty to say more—you know I have been a Prophet abt. the Events of this Year—I still am sanguine.*

Capt Barry in a Conty Frigate,¹ taken 5 Jamaica Men & some American Privateers. 12 or 14 More—several others with two British Line of Battle Ships, went to the Bottom in a violent Storm. I will take Care of the rent. Patty is bravely, tho' you seem to forget her. All well and desire to be remembered.

Am my Dr Sir, Yours Afftly²

[P.S.] You will see by this, that tho Presidt. I am still under petticoat Government and dare not contradict, tho' it is some Comfort that no body will believe her. Her Character is as bad here as it was at the Ridge—were she is well known.

Pray remember that the office in snowy weather is leaky and that my Papers & Books may be injured.

I must beg the Favour of you to get Mr Southerd to see that the Boards at Bairds saw Mill are brought home & properly put away in the waggon House, as fast as my Logs are sawed and also to get as many more Logs out of the swamp as possible & charge it to me.

Yesterday Letters from Virginia informed that a flag had arrived there in 5 days from Charles Town with the news of the evacuation of that place.

RC (PHi: Boudinot Papers).

¹ That is, the Continental frigate *Alliance*.

² At this point, Boudinot's wife Hannah penned the following postscript before Boudinot added a final postscript of his own. "I would Just Inform you that I had no hand in opening your letter from the captain, as Patty and I both had letters we heard all we wanted to hear. Mr. President open'd it to hear what he said about the seeds* and I supposed he had enclosed all. Patty has got a cold, and so has Susan, but they are not very bad. My love to Mrs. Pintard, and Johnny"—to which she appended the following comment, keyed to the asterisk at the word "seeds." "But his head is so full of proclamations that he cant remember any thing more than an hour."

Abraham Clark to Elias Dayton

Dear Sir,

Philada. Decr. 16. 1782

Congress last Thursday took up the report for establishing a Line of promotion for Brigadiers Similar to the one I lately informed you was rejected, which, owing to a Number of New members or some other Cause, was passed: to this was added a Clause for promoting your self & Colonels Grattan & Putman¹—but as the former part of the report had passed it was thought improper to pass this as it might not agree with the plan just established especially with regard to your self, as your Appointment would depend upon what state whose troops those of New Jersey may be Brigaded with. If it should be with New York, you can have nothing to expect, but if with Delaware I suppose you will succeed of Course. This the secretary at War gives me strong reasons to believe will be the case—but however must rest with the Commander in Chief; As the secretary at War set off yesterday for Boston² & will call at head quarters, by which time the General will be in possession of the Resolutions, you may be able to know on what gound you stand by applying to the Commander in Chief. The Delaware Regiment is now it is said on their way from the southward to join the main Army and may be joined to our Troops if the measure meets with the generals approbation. Matters being thus Circumstanced, It will not be in my power to give you any further information respecting this business. All rests with the General in forming Brigades. I am,
Dear Sir, Your Obedt. Humble servt. Abra. Clark

RC (PPIn: Independence Hall Collection).

¹ See JCC, 23:790–91.

² Notwithstanding Clark's testimony that the secretary "set off yesterday," there is a letter from Benjamin Lincoln to Congress dated "War Office, Dec. 16, 1782," in PCC, item 149, 2:207–8.

James Madison's Notes of Debates

Monday Decr. 16. [1782]¹

The answer to the objections of Rho. Island, as to the Impost, Penned by Mr. H.² passed without opposition, 8 States being Present of which Rho. Isd. was one, a few trivial alterations only being made in the course of discussion.

Mr. H.³ contrary to expectation was entirely silent as to his affair.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:407.

¹ Immediately preceding this entry Madison wrote "Saturday Decr. 14th. No Congress."

² That is, Alexander Hamilton, who chaired the committee appointed December 12 to respond to Rhode Island's November 30 notification that its assembly would not adopt the impost and who prepared the bulk of this "answer" giving reasoned arguments why Rhode Islanders should "retract their dissent." Congress' vote on this report is not recorded in the journals. See *JCC*, 23:788-90, 798-810; and Hamilton, *Papers* (Syrett), 3:213-3.

³ David Howell.

John Taylor Gilman to Meshech Weare

Hon'd Sir

(Private)

Philada. Decr. 17th. 1782.

I have received your kind favour of the 29th Octr. per Genl. Whipple. Your's of the 26th Ultimo. (Respecting Mr. Blanchard's Memorial) with the Inclosure's came to hand on the 9th Instt. and was Answered on the 11th (per Post) which hope you will timely receive.¹ Those Two are all the Letters have been favored with from you Since that of the 14th Sept. I Expected an Answer to mine of 29th Octr. respecting the affairs of Vermont, but we are Intirely Ignorant of all the Transactions of the Honble. the Legislature at their November Session (Except that of Mr Blanchards Memorial).

By the latest accounts from Europe, it appears probable that Negotiations for Peace will be seriously Entered upon soon, but their are many (Seperate) Interests to be adjusted which will probably require much time.

The present designs of our Enemy are not known to us with so much Certainty as could wish, but it is the general Sentiment that they have relinquished the Idea of further prosecuting the war on this Continent. Indeed it is time for them for they have persisted in it to their Own (as well as our) great Injury. The Importance of the United States is daily Increasing (abroad) But our affairs at Home are not in a pleasing Situation by any means. The want of Revenue is very great, our Army are unpaid, public Creditors Clamorous, and when we add to this a want of Confidence in the public and in the Several States towards each other our Embarrassments will appear (as they are in fact) very great, but we have Struggled through many difficulties, and our present trouble's

should by no means Operate as an Encouragement to our Enemy to prosecute the war, for they have repeatedly Seen (and I doubt not will again if necessity requires it) these United States rise Superior to all difficulties. From some Information already received, are daily Expecting further Information respecting Negotiations for Peace.

I Have (few Days Since) been informed that application has been made to New Hampr. for Compleating their Two Battalions; this was unknown to Congress, and had I been informed of it Seasonably should have given my Sentiments on the Subject. I Sent a list of the Army to Collo. Bartlett some Months Since,² my Views were that you might know what number of the Troops in service belonged to N.H. I am Sure the State has made Exertions the year past (in raising Troops much beyond their abilities, and as I See no real Necessity for raising men at present, shall be pleased if they have rejected the proposition.

No accounts from Charlestown since our Letter of the 11th Inst.; nor further proceedings respecting Vermont. Genl. Whipple is at Trenton, I Expect he will be here sometime next Week. [Public securities here, are sold at about Three, for One in Specie]. You will receive by Mr. White's Servant the Journals of Congress (which are Just published) from April to Novr.—if the State has not a Compleat Sett to that time, and I am informed what are deficient, I will Endeavour to procure and Send them if Oppority offers.

You will receive a Bottle of Dr. Hill's Balsam. I wrote Collo. Bartlett on the 23d Octr. but have had no answer to that Letter; It is very agreeable to be informed of the Transactions in the State from time to time. I return you my most Sincere thanks for your Letter by Genl. Whipple and shall Esteem it a happiness to serve you in what I may. I have marked this as private, my meaning is that it is not Intended for the perusal of the Honble. the Legislature, but you will please to make such other Communication of it as you may think proper.

Please to give my Compliments to my Friends with you. I am, with great Respect, Your Obedt. & Hum. Servt.

John Taylor Gilman

P.S. The Journals mentioned in this Letter cannot be obtained to Send by this Conveyance will send them first Oppity.

RC (MH: Weare Papers).

¹ See New Hampshire Delegates to Weare, December 11, 1782.

² See Gilman to Josiah Bartlett, August 5, 1782.

James Madison's Notes of Debates

Teusday Decr. 17th. [1782]

Mr. Carroll in order to bring on the affair of Mr. Howel moved that the Secy. of Foreign Affairs be instructed not to write to the Govt. of

Rhode Island on the subject.¹ The state in wch. such a vote would leave the business unless the reason of it was expressed, being not adverted to by some, and others being unwilling to move in the case, This motion was incautiously suffered to pass. The effect of it however was soon observed, and a motion in consequence made by Mr. H. to subjoin the words, "Mr Howel having in his place confessed himself to be the Author of the publication."² Mr. Ramsay thinking such a stigma on Mr. H. unnecessary, & tending to place him in the light of a persecuted man whereby his opposition to the Impost might have more weight in his State, proposed to substitute as the reason "Congress havg. recd. the information desired on that subject.["] The yeas & nays havg. been called by Mr. H——n., Mr. H. grew very uneasy at the prospect of his name being thereby brought on the Journals; and requested that the subject might be suspended untill the day following. This was agreed to & took place on condition that the *ne[ga]ti[v]ed* counterdirection to the Secy. of F.A. should be reconsidered & lie over also.³

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:411.

¹ For Congress' instructions to Robert R. Livingston to write to Gov. William Greene regarding "the affair of Mr. Howel," see Madison's Notes, December 12, 1782.

² For the full text of Alexander Hamilton's motion, see *JCC*, 23:812.

³ Daniel Carroll's motion, which was reintroduced the following day, was struck from the journals. Ibid. For David Howell's defense of his conduct, see Madison's Notes, December 18, note 2.

James Madison to Edmund Randolph

My dear Sir

Philada. 17th Decr. 1782.

Since the appointment of the deputation to Rho. Island Congress have recd. a copy of the refusal of the Legislature of that State to concur in the impost, with the reasons on which the refusal is grounded. The reasons assigned are 1st. the inequality of the tax which will bear hardest on the commercial States, and peculiarly hard on Rho. Island which is the most commercial. 2dly. the inexpediency of admitting to a collection within the State of so large a tax an officer unknown to the Constitution, and unaccountable to the authority of the State. 3dly. the danger to public liberty from such an accession of weight to the fœderal Government. I give this recital from memory and therefore only as the substance of the objections. They are in the hands of a Committee who will report such observations as they may deem a fit answer to them.¹ The deputation has not yet set out, but probably will in the course of the week.²

Vermont has been again on the tapis. Its only advocates were the delegates of Rho. Island who are charged with interested views in the case, and those of N. Jersey who are fettered by instructions from their

Constituents.³ I understand that a Mr. Titchner one of the Agents formerly here is arrived from Vermont, probably in consequence of a signal given of the revolution wh. is taking place in the federal Councils with respect to them. A little time will display his errand.⁴

General Greene has referred to Congress a case which admonishes them of the necessity of a code for captures & recaptures on land as well as on water. A detachment of the continental forces having retaken a number of Horses which had been taken by the enemy from Citizens of S. Carolina, the Executive Authority of the State demanded a restitution, on the general principle that the Original owners were entitled to all recaptured property. This demand was laid before a Council of officers which decided against its validity. The General has submitted the case to Congress for their final judgment.⁵ It appears from a review of the proceedings of Congress, that a very defective provision only has been made for captures, and no provision at all for recaptures, on land.⁶ The opinion of the Council of war is conformable to the practice of the Army in like cases, and to the rules observed by other nations. The demand of restitution in favor of the original proprietors is warranted by the principles of equity and the Spirit of the Ordinance relating to Captures on Water. All that Congress can do in the case will be to remit to the Original owners the prize which has been adjudged to the U.S. But some general provision for future cases will be necessary in which it will be not easy to define the species of property of which restitution may be claimed. To extend the rule to every species of property would open a door to innumerable disputes and abuses. I observe on this occasion what had escaped me before, that if Congress should establish a Court for Captures on land, such cases can come before it only on *appeal*.⁷

(Official Cypher) Letters from {Franklin and Jay dated late in September shew that a commission has been issued to Oswald to treat with commissioners of the thirteen United States by which some precedent obstacles were surmounted and that Spain mediates an immoderate defalcation of our western ter[r]itory.⁸ All this {intelligence however has come to us in obscure fragment[s].⁹ I commi[t] it to you as to a member of Congress on whom secrecy is enjoined and in this} cypher {as} *certainly* unknown {to all but official persons}.

The inclosed gazette will inform you of the good fortune of the Capt. Barry of the Alliance Frigate. It appears from various letters from Europe that the Jamaica fleet has suffered severely from privateers & the storm.

The Court at Trenton will finish their business this week it is said. The Pennsylvanians alledged that the cause is going hollow in their favor.¹⁰

I have no letter from you by this post which I impute to your visit to Williamsbg.

RC (DLC: Madison Papers). In Madison's hand, though not signed. Madison, *Papers* (Hutchinson), 5:414–16.

¹ Since Alexander Hamilton's committee reported the preceding day, it is clear that the first portion of this letter was written before Madison attended Congress on December 16. The closing paragraphs, especially the last referring to the Tuesday post, were written on the 17th. See Madison's Notes, December 16, note 2.

² Hamilton's committee recommended this day that the Rhode Island deputation "ought to proceed as soon as possible." *JCC*, 23:811–12.

³ See Madison's Notes, November 27, note 4, and December 3 and 5, 1782.

⁴ For Isaac Tichenor's mission to Congress earlier in the year, see John Morin Scott to George Clinton, April 2, 1782, note 1. On December 18, a November 16 letter from Jacob Cuyler, former deputy commissary general of purchases, enclosing a November 8 letter from Tichenor, his former assistant, was read and referred to a committee chaired by Madison. Tichenor was being sued in New Hampshire for personal debts he incurred when purchasing provisions for the army. Congress decided to refer his case to that state for settlement. See *JCC*, 23:819n.1, 822; PCC, item 78, 6:155–61; and Morris, *Papers* (Ferguson), 7:232, 235.

⁵ Nathanael Greene's October 28 dispatch "relative to the right of postliminium on the recapture of moveable property by the Army" had been read on December 10 and referred, together with nine supporting documents, to a committee consisting of Madison, Alexander Hamilton and John Rutledge. See PCC, item 155, 2:552–97, item 186, fol. 72. The committee's report was delivered December 18 and taken under consideration on the 23rd, for which see Madison's Notes, December 23, note 1.

⁶ For Congress' earlier ordinances establishing procedures for captures on water and appealing to the states to pass laws regulating the seizure and condemnation of British manufactures on land, see John Hanson to the States, January 6, 1782.

⁷ That is, Congress had the right, under the 9th article of the Articles of Confederation, to establish courts to determine "finally appeals in all cases of captures." *JCC*, 19:217. With the coming of peace, however, it became unnecessary for Congress to create such a court.

⁸ Words printed in braces in this text were written by Madison in the official Virginia cipher.

⁹ Congress had received on December 13 three letters from Benjamin Franklin, dated August 12, and September 3 and 26, and on December 16 had read John Jay's brief dispatch of September 28. Both had sent copies of George III's revised commission to British negotiator Richard Oswald authorizing him to treat with "thirteen United States of America" rather than thirteen "colonies or plantations." See PCC, item 82, 2:201–15, 236–44, item 110, 2:142, item 185, 3:50; and Wharton, *Diplomatic Correspondence*, 5:655–57, 682–84, 763–64, and 779.

¹⁰ That is, the Pennsylvania delegates expected a favorable result in the state's boundary dispute with Connecticut, "hollow" being a colloquial term for "thorough" or "complete." *OED*.

Virginia Delegates to Benjamin Harrison

Sr,

Phila 17th. Dece. 1782.

We are honoured with your Excellencys favor of the 7th.¹ Our last communicated the measures that had been taken for supplying the unfortunate captives then on their way to Virginia,² which we hope will meet the approbation of the Executive. We have heard nothing further of those expected by way of New York—should they be sent

out, and their situation call for our aid, it shall be afforded them in the manner recommended by your Excellency, tho' we fear our exertions to obtain them relief by draughts upon the State, or the Sale of Tobacco, will prove ineffectual. Perhaps a similar course may be taken by them when they arrive, as with those already gone forward. We shall make the attempt, and resort to the mode you advise, only in case of necessity.

The inclosed Copy of a Letter from the Secretary of Congress to Mr. Clarke on the subject of the passports for shipping Tobacco to New York,³ will shew the conduct of Mr. Thompson in the business and enable you to obtain a Satisfactory explanation from Mr. Clarke.⁴

We very sincerely wish on account of the public, as well as for the convenience of the individuals more immediately concerned, your account of the evacuation of Charles Town may be verified. Here that event is very doubtful.

A Letter lately received from Capt. Barry of the Alliance Frigate⁵ informs us of his good fortune in taking and carrying into l'Orient four of the Jamaica fleet, loaded with abt. 1200 Hhds. of sugar, 400 Hhds. of rum, a quantity of Coffee, logwood &c. He also writes, that the Ramilees had foundered at Sea, that the crew were saved, and distributed among the fleet, part of them being on board the prizes captured by him. He farther says, it was reported, another Ship of the line was lost. We are respectfully,

yr. Excys. obed. servts.

Jos. Jones

J. Madison Jr

RC (Vi: Continental Congress Papers). Written by Jones and signed by Jones and Madison. Madison, *Papers* (Hutchinson), 5:412-13.

¹ See *ibid.*, p. 381.

² The delegates may have discussed aid to Virginia's frontier captives in their "last" letter of December 10, of which only a brief extract has been found, but for a review of "the measures that had been taken," see Virginia Delegates to Harrison, November 26, 1782.

³ See Charles Thomson to Daniel Clark, May 3, 1782.

⁴ In his November 30 letter to the delegates Harrison has asked about Thomson's reasons for issuing a "Licence" to Clark, Virginia agent of Robert Morris, to ship tobacco to New York in exchange for British goods sold to the United States by Yorktown capitulants following Cornwallis' surrender. In so doing Harrison renewed a controversy with Morris that had first erupted in May 1782. See Madison, *Papers* (Hutchinson), 5:312; Madison to Edmund Randolph, May 29, note 4; and Committee of Congress to Harrison, May 31, 1782. For the instructions to the Virginia delegates adopted by the state's assembly on December 28 concerning the settlement of accounts, the tobacco contract, and congressional requisitions, see *ibid.*, pp. 457-64; and Madison's Notes, January 28, note 1, January 31 and February 10, 1783.

⁵ An extract from Capt. John Barry's October 18 letter to Robert Morris had been read in Congress on December 13. See *JCC*, 23:798n.1; and Morris, *Papers* (Ferguson), 6:625.

Jonathan Arnold to William Greene

Sir,

Philadelphia December 18th. 1782

I have to inform you that altho' Mr. Collins arrived here this day week, Mr. Howell is still here, and how much longer he will be detained is unknown, Congress having taken such measures affecting him personally, and relative to his public Conduct—which renders his stay of absolute necessity.¹ He has vindicated himself with a firmness becoming a representative of a free State, and as the Liberties of the State, and its rights, by Confederation I conceived to be invaded by the Measures pursued against him, he has had every support I could afford him. This has drawn on me the attention of Congress, and I am included with Mr. Howell in a Resolution of this day for referring to a Committee a Certain Motion, made by Mr. Howell & seconded by me² wherein were asserted the Rights of a Delegate, and the Dangerous tendency, of the measures pursuing—to their priviledges, and to the Liberties & priviledges of the United States—in the form of a declaration & protest. I have not time to copy & enclose it by this, but shall forward it by the next Opportunity. Where & when the matter will end, is impossible to say but hope it will not change the resolution of the Assembly in respect to the Impost (which I am persuaded—it is Calculated to do). I am certain it cannot, when the matter is fully known—and instead thereof it may fix their opinion as expressed in the third Reason, which they stated to Congress—when their [they] Communicated their refusal therewith. Mr Collins being absent, & the post just setting off, I have not the Opportunity to write jointly with him. I have the Honor to be with the highest respect for your Excellency & the Honorable Assembly—Your most hum Servt.

Jona Arnold

RC (R-Ar: Letters to Governors).

¹ For the debate on David Howell's publication of privileged information, see James Madison's Notes of Debates, December 6, 12, 13, 16, 17, 18, and 20, 1782.

² After rejecting Howell's motion, Congress appointed a three-man committee to recommend "measures as it will be proper for Congress to take [*on the motion*]." On December 20 Congress adopted the committee's report recommending that Howell's and other related resolutions be sent to the executive of Rhode Island and the secretary for foreign affairs. See *JCC*, 23:814-19, 821-22; and James Madison's Notes of Debates, December 20, 1782.

Alexander Hamilton to George Clinton

Dear Sir:

Philadelphia, December 18, 1782.

I shall very shortly be out of cash, and shall therefore be much obliged to you to forward to me the State allowance. It will answer as

well in Mr. Morris' notes as in Specie provided the notes have not more than a fortnight or so to run. It will be better if they are due. (A disappointment in this will greatly embarrass me, and from what your Excellency said, I take it for granted it cannot happen.) Nothing new, except a pretty probable account of the evacuation of Charles Town.

I have the honor to be, with great esteem, Your most obedient servant.¹

MS not found; reprinted from Hamilton, *Papers* (Syrett), 3:225–26.

¹ Hamilton also wrote this day to his wife Elizabeth, urging her to travel to Philadelphia at "the first good snow" and suggesting that she use some of the money "you will probably receive . . . from Governor Clinton for me." *Ibid.*, pp. 226–27.

James Madison's Notes of Debates

Wednesday Decr. 18th. [1782]

This day was chiefly spent on the case of Mr. Howell;¹ whose behaviour was extremely offensive, and led to a determined opposition to him, those who were most inclined to spare his reputation. If the affair could have been closed without an insertion of his name on the Journal, He seemed willing to withdraw his protest;² but the impropriety which appeared to some & particularly to Mr. H——n in suppressing the name of the author of a peice wch. Congress had so emphatically reprobated, when the author was found to be a member of Congress, prevented a relaxation as to the yeas & nay.³ Mr. H. therefore, as his name was necessarily to appear on the Journal, adhered to the motion which inserted his protest thereon.⁴ The indecency of this paper, and the pertinacity of Mr. H. in adhering to his assertions with respect to the non-failure of any application for foreign loans, excited great & (excepting his Colleagues or rather Mr. Arnold) universal indignation and astonishment in Congress; and he was repeatedly premonished of the certain ruin in wch. he wd. thereby involve his character & consequence; and of the necessity wch. Congress wd. be laid under of vindicating themselves by some act which would expose and condemn him to all the world.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:419–20.

¹ See Madison's Notes, December 17.

² David Howell's "declaration and protest," in which he denied Congress' authority—under the 5th article of the Articles of Confederation—to restrict information that he thought proper to communicate to his constituents, is in PCC, item 36, 1:459-62; and JCC, 23:814–16. For a review of Howell's position in the "extract controversy," see Irwin H. Polishook, *Rhode Island and the Union, 1774–1795* (Evanston, Ill.: Northwestern University Press, 1969), pp. 88–93.

³ Madison is referring to the unrecorded vote on the motion introduced the preceding day by Daniel Carroll that was this day reintroduced and completed by Alexander Hamilton, who moved that Robert R. Livingston be discharged from his December 12

instruction to write to the governor of Rhode Island because Howell had "acknowledged himself the author of the extra[c]t of the letter quoted in the report of the Committee that day." See PCC, item 36, 1:465; and JCC, 23:813–14, 817–18. See also Madison's Notes, December 12, note.

⁴ This vote was not recorded in the journals. Hamilton, however, considered the entry of Howell's protest on the journals to be "highly derogatory to the honor & dignity of the United States in Congress Assembled" and moved that a committee be appointed "to report upon such measures as it will be proper for Congress to take (*to exhibit the transaction*) thereupon." See PCC, item 36, 1:467. Congress appointed John Taylor Gilman, Hamilton and Madison to the committee after soundly defeating a motion by Jonathan Arnold and Howell to strike out the quoted passage concerning the derogatory nature of Howell's protest. See JCC, 23:814–19. For the committee's report, see the following entry, note 4.

James Madison's Notes of Debates

Friday Decr. 20th. [1782]¹

A motion was made by Mr. H——n² for revising the requisitions of the preceding and present years, in order to reduce them more within the faculties of the States.³ In support of the motion it was urged that the exorbitancy of the demands produced a despair of fulfilling them which benumbed the efforts for that purpose. On the other side it was alledged that a relaxation of the demand would be followed by a relaxation of the efforts; that unless other resources were substituted either the States would be deluded by such a measure into false expectations; or in case the truth sd. be disclosed to prevent that effort, that the Enemy wd. be encouraged to Persevere in the war agst. us. The motion meeting with little patronage was withdrawn.

The Report of the Committee on the motion of Mr. H.⁴ proposed that the *Secy. of Congress* should transmit the several acts of Congress with a state of foreign loans. The object of the Committee was that in case Rho. Island should abet or not resent the misconduct of their Representative, as wd. most likely be the event, Congress might commit themselves as little as possible in the mode of referring it to that State. When the Report came under consideration it was observed, that *the Presidt.* had always transmitted acts of Congress to the Executives of the States, and that such a change on the present occasion might afford a pretext if not excite a disposition in Rho. Island, not to vindicate the honor of Congress. The matter was compromised by substi[tu]ting the *Secy. of Fn. Affs.* who ex-officio corresponds with the Governors &c, within whose department the facts to be transmitted as to foreign loans lay. No motion or vote opposed the report as it passed.⁵

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:422–23.

¹ Immediately preceding this entry Madison wrote "Thursday Decr. 19th. see Journals."

² That is, Alexander Hamilton.

³ For this motion, which was not entered in the journals, see PCC, item 36, 4:65; and Hamilton, *Papers* (Syrett), 3:229.

⁴ For the appointment of this committee, see the preceding entry, note 4; for its report, see *JCC*, 23:821–22, and Madison, *Papers* (Hutchinson), 5:422.

⁵ Robert R. Livingston did not actually write to Gov. William Greene until January 4, for which see PCC, item 119, fols. 205–12. The reason for this delay in complying with Congress' directive apparently lay in the efforts of the three Rhode Island delegates in late December and early January to have Congress further direct the secretary to include in his letter specific extracts from letters of Benjamin Franklin, John Adams, and the marquis de Lafayette that they felt supported Howell's position. See Madison's Notes, January 3, 1783, note 3.

Daniel Carroll to William Paca

Dear Sir,

Philadelphia Decr. 21st. 1782.

I forwarded last Thursday under Cover to Mr. Calhoun,¹ two Letters from the Minister of France,² one for your Excellcy. the other for the Commanding officer of the French Marine in Chesapeake, and I now do myself the honor of sending with this, a Copy of a Memorial from the Assembly of Massachusetts, on a Subject which may eventually interest our State.³ I request you Sir to communicate it to the General Assembly, likewise a Copy of an answer from Congress to the objections made by the Assembly of Rhode Island to the granting the 5 per Cent on imported goods. Three Members, Messrs. Osgood, Mifflin and Nash are appointed to proceed to Rhode Island on this Subject.

I beg leave to Mention, that it is the Sense of Congress no other Copys Should be taken of the Answer at present, than those which the Delegates are permitted to Send to the Legislatures or Executives of their respective States.

The enclosed is from the War office in answer to your Commands, respecting the Marine prisoners.⁴ The Superintendant has informed me that Col. Rawlings is one of the Contractors for the ensuing year for the States of Maryland and Delaware.⁵

I have the honor to be with the greatest respect and Esteem, Yr. Excellency's Most Obedt. and very Humble Servt.

Danl. Carroll

N.B. The letters from the Minister were Sent by a Capt. Montgomery who promised to deliver them to Mr. Calhoun.

Decr 23d. A French Frigate, the *Danse* is arrived. She left Rochford the 8th of November. The late Snow Storm drove her on Shore in this Bay, but she is now off. She brings Money for the French Army and dispatches to the Minister, dated the 14th of October. The Communication will not be made from them under two or three days, but we hourly expect the dispatches from our Ministers by Genl. De Partial [Du Portail] who Came in the Frigate.

It appears by the Gazette of France that a Treaty of Amity and Commerce, and a convention on recaptures were Signed on the 7th of Octr. by Mr. Adams and by Seven deputies empowered for that purpose by the Seven United Provinces of the Netherlands.

The Success of the French in the Hudsons bay was compleat—the factories entirely destroyed, and the Property to a considerable amount carried off. Nothing Certain from the East Indies. In general the State of affairs in that quarter is thought to be unfavourable to the British.

Decr. 24th. Dispatches were received yesterday from Messrs. Franklin and Jay and the Marquis, De La Fayette, dated about the Middle of October. The Commission to Mr. Oswald is received, it empowers him to treat with the Commissioners of the *thirteen United States of America*. If it is possible to obtain a Copy in time I shall Send it by post. The Secretary for Foreign Affairs is directed to Send one to each State.

I have the honor to be &c.

D.C.

Tr (MdAA: Ridgely Transcripts, MdHR 4016).

¹ Not found.

² Not identified, but perhaps elicited by Paca's December 13 letter to the chevalier de La Luzerne concerning French naval assistance for protecting Maryland shipping in the Chesapeake. See *Md. Archives*, 48:322.

³ See Samuel Osgood to John Lowell, September 19, note 10; and James Madison's Notes of Debates, November 26, 1782.

⁴ Not identified.

⁵ See Morris, *Papers* (Ferguson), 7:141, 189–90.

James Madison's Notes of Debates

Saturday 21 Decr.[1782]

The Committee to confer wth. Mr. Livingston was appointed the preceding day in consequence of the unwillingness of several States to elect either Gel. S——l—r, Mr. C——r or Mr. R——d, the Gentlemen previously put into nomination, & of a hint that Mr. L. might be prevailed on to serve till the Spring.¹ The Committee found him in this disposition and their report was agreed to without opposition.²

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:429.

¹ Congress had designated December 19 as the day for selecting Robert R. Livingston's successor as secretary for foreign affairs and on the 18th Elias Boudinot and Thomas FitzSimons had nominated Philip Schuyler and George Clymer respectively for that post. Thomas McKean had also nominated Joseph Reed, but had withdrawn his name. See PCC, item 186, fol. 1. On December 19, rather than "the preceding day," Congress rejected these nominees, appointed Madison, John Rutledge, and John Taylor Gilman as a committee "to confer with the secrety for foreign Affairs on the subject of his department," and postponed the order of the day "till Thursday next." PCC, item

186, fol. 76; and *JCC*, 23:819. For the committee's report, recommending that the election be postponed "untill the first Monday in May next" and that Livingston continue to serve, following a brief leave of absence to visit New York, until the election of a successor, see PCC, item 25, 2:167-68; and Madison, *Papers*, 5:428.

² At this point in the manuscript Madison inserted an asterisk to which he keyed the following note: "The Presidt acquainted Congress that Ct. Rochambeau had communicated an intended embarkation of the French troops for the W. Indies with assurance from the K[ing] of F[rance] that in case the war sd. be renewed agst. U.S. they should immediately be sent back."

Daniel Carroll to Daniel of St. Thomas Jenifer

Sir,

Pha. Decr. 22d. 1782

Your favor of the 12th Instant came to hand after the arrival of the post a day or two. The inclos'd from the War office will I apprehend, give you what information is necessary on the Subject.¹ Col. Rawlings partner in the Contracts carried the original to Frederick himself.

They have enter'd into the Contract [with] the Superintendent of Finance for Maryland, & Delaware for the ensuing year.²

I have, Sr, the honor to be with due respect, Your mo. Ob Servt,
Danl. Carroll

RC (MdAA: Red Books).

¹ Not identified.

² See Carroll to William Paca, December 21, note 5.

James Madison's Notes of Debates

Monday 23d. December [1782].

The motion to strike out the words "accruing to the use of the U.S." was grounded on a denial of the principle that a capture & possession by the enemy of moveable property extinguished or affected the title of the original owners.¹ On the other side this principle was asserted as laid down by the most approved writers, and conformable to the practice of all nations; to which was added that if a contrary doctrine were established by Congress, innumerable claims would be brought forward by those whose property had on recapture been applied to the public use.

Letters were this day recd. from Mr. F., Mr. J. & the Marquis de la . They were dated the 14th of Ocr.² That from the first inclosed a copy of the 2d. Commission to Mr. Oswald with sundry prelimy. articles, & distrusted the British Court.³ That from the 2d. expressed great jealousy of the French, & referred to an intercepted letter from opposing the claim of the U.S. to .⁴ This despatch pro-

duced much indignation agst. the author of the intercepted letter and visible emotions in some agst. {France}.⁵ It was remarked here that our Ministers took no notice of the distinct comons. to Fitzherbt. & Oswald; that altho' on a supposed intimacy and joined in the same comon. they wrote *separately* & breathed opposite sentiments as to the views of {France}. Mr. L.⁶ told me that the letter of the Ct. de ⁷ as read to him by ⁸ very delicately mentioned & complained that the Am——n M——rs did not in the nego——ns with the B——sh M——rs maintain the due communication with those of {France}. Mr. L. inferred on the whole that {France} was sincerely anxious for peace.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:436–37.

¹ For this motion, the committee report on the right of postliminium, and the votes in Congress this day and the following, see Madison to Edmund Randolph, December 17, note 5; JCC, 23:825–28, 830; and Madison, *Papers* (Hutchinson), 5:432–34. Congress essentially approved of the actions taken by Gen. Nathanael Greene (who had promised to restore to their original owners horses stolen by the British and recaptured by Col. Thaddeus Kosciuszko save for “proper Compensation, to the Recaptors”), but not without first rejecting one of the committee’s recommendations, then compromising and reinstating it, for which see Madison’s Notes, December 24, note 10. The committee was also directed “to report an Ordinance declaring in all cases what captures on land shall be legal, and in what manner the same shall be divided or appropriated,” but with the coming of peace further action became unnecessary.

² For the letters of Benjamin Franklin and John Jay (whose letter is dated October 13), see PCC, item 82, 2:281–84, item 110, 2:271–72; item 185, 3:50; and Wharton, *Diplomatic Correspondence*, 5:809, 811–12. The marquis de Lafayette’s letter is in the Livingston Papers, NHi.

³ For Richard Oswald’s second commission, see Madison to Edmund Randolph, December 17, note 9.

⁴ Madison later completed this sentence to read: “That from the 2d. expressed great jealousy of the French Govt., & referred to an intercepted letter from Mr. Marbois opposing the claim of the U.S. to the Fisheries.”

⁵ Words printed in braces in this text were written by Madison in cipher.

⁶ That is, Robert R. Livingston.

⁷ The comte de Vergennes.

⁸ The chevalier de La Luzerne.

Samuel Wharton to John Cook

Sir.

Philadelphia, 23rd. December 1782

I take the earliest opportunity of advising your Honor, That this Day Congress received Dispatches from their Ministers for Peace at Paris,¹ giving Them the agreeable Intelligence of the British King having granted a plenary Commission, under the great Seal of Great Britain, to Mr. Oswald of London, constituting Him a Commission in his behalf “to make a Peace or Truce with the Thirteen United States of America,” Viz. “New Hampshire, Massachusetts Bay &c.” This Commission (a certified copy whereof is received by Congress) revokes in

express words ONE which was made in August last, empowering Mr. Oswald to treat &c. with the Commission, or Commissioners of the THIRTEEN UNITED COLONIES of America, Messrs Franklin, Jay &c. refused to negotiate with the British Commissioner under any Commission, which did not precisely admit, and recognize the Independence of America. This Refusal operated so powerfully upon Mr. Oswald That He immediately dispatched a Courier to his Court, and He was soon invested with authority to make the explicit Designation, and acknowledgment of our respective, independent Governments.

Congress has charged the Minister of Foreign Affairs to transmit to the several Executives of the States a Copy of Mr. Oswald's Commission and an Extract from Dr. Franklin's letter.² I am not at Liberty Sir to enter into the particulars of the Dispatches received, Congress having for wise purposes enjoined the Members to Secrecy: But your Honor may be assured, That our Affairs in Europe wear a pleasing and most promising Aspect.

I beg leave to subscribe myself, Sir, Your most obedient & faithful
humble Sarvant, Sam'l Wharton

[P.S.] The Treaty of Amity and Commerce with the Republick of the seven United Provinces of the Netherlands is finished and signed by the Deputies of them and Mr. Adams.³

MS not found; reprinted from *Delaware Archives*, 3:1479–80. Addressed: "The Honorable John Cooke Esqr. Vice president of the State of Delaware."

¹ See the preceding entry.

² See Robert R. Livingston's letter to the states of this date in Wharton, *Diplomatic Correspondence*, 6:161.

³ This news was reported to Congress by Secretary Livingston on December 22, for which see *ibid.*, p. 159.

Elias Boudinot to William Livingston

Dear Sir,

Philadelphia Decr. 24th. 1782

I take the earliest Opportunity of informing your Excellency of some agreeable News recd yesterday from France by the French Frigate, which went on Shore in this Bay, but is since got safe off. What I am at liberty to communicate consists of the Copy of a Commission to Mr. Oswald at Paris, from the King of Great Britain, to treat with any Commissioner or Commissioners from "*the thirteen united States of America*" &c &c. a Copy of which I enclose for the Satisfaction of your Excellency and the Legislature. The other Intelligence is contained in the following Extracts of Letters—"From several Asiatic Accts, there is great probability that Madrass has been taken by the French Troops which landed at Porto Neuvo, and the Army of Hyder

Ally, with whom they had made a Junction, but no official Acct. has come to hand and this Intelligence cannot be given as certainty."

From Mr Adams "We have at length got the Consent of all the Cities & Provinces and have adjusted & agreed upon every Article, Word, Syllable, Letter & Point in the Treaty of Commerce and Clerks are employed in making out fair Copies for Signature, which will be done this week. Amidst the innumerable Croud of Loans, which are opened in this Country, many of which have little success, I was much afraid that ours would have failed. I have however the Pleasure to inform you that I am at least one Million & an half of florins in Cash or about 3 Millions of Livres, which will be an Aid to the Operations of our financier."¹

I need make no Comments on this Intelligence, the first of which so expressly admits the Independancy & national Character of these States—on this Occasion I most cordially congratulate your Excellency and the Legislature.

I had the honor of recieving your Excellency's Letter of the thirteenth Instant,² and am sorry you were troubled with unnecessary duplicates of the resolutions of Congress enclosed in mine of the 11th, but as I mentioned to Mr Clark my design of enclosing them to your Excellency, I took it for granted he would not also send them—my having a Secretary makes it easier for me to transmit them.

I write this in a great hurry, being unwilling to keep so important a piece of Intelligence back a Moment.

I have the honor to be with the greatest respect, Your Excellency's
Most Obedt Hble Sert,
Elias Boudinot

P.S. I forgot to mention that by a French News Paper recd by this Vesel, it appears that the Treaty with the united Provinces, was signed on the 7th Octr.

RC (NN: Livingston Papers).

¹ Boudinot sent this same news in a similar letter of this date to his brother Elisha, which is in Boudinot, *Life and Letters*, 1:280–82.

² Livingston's December 13 letter is in Livingston, *Papers* (Prince), 4:498–99.

Elias Boudinot to Lewis Pintard

My dear Sir,

Philadelphia Decr. 24th. 1782

A Frigate has lately arrived from France & went on Shore in our Bay in the Snow Storm, but has luckily got off again. Her dispatches are just come up and I heartily congratulate you on Great Brittain's having admitted our Independance, by sending Mr. Oswald to Paris with a Commission to treat of Peace with Commissioners from the 13

Colonies, which our Commissioners absolutely refused to treat upon—in Consequence whereof Great Britain has given up the Matter and issued a formal Commission to treat with “*any Commissioner or Commissioners from the 13 united States of America*” and to enter into all the necessary Stipulations as with an Independant Nation. The Rubicon is therefore Past and I am happy that my Expectations are likely to be fulfilled. It is also said that Madrass is taken. I am not at liberty to say more than is contained in the following Extract. “From several asiatic Accts. there is great probability that Madrass has been taken by the French Troops which have landed at Porto Neuvo and the Army of Hyder Ally with whom they have made a Junction, but no official Acct has come to hand, and this Intelligence cannot be given as a certainty.” From Mr. Adams—“We have at length the Consent of all the Cities & Provinces, and have adjusted & agreed upon every Article, Word, Syllable, Letter & Point in the Treaty of Commerce and Clerks are employed in making out fair Copies for Signature, which will be done this week. Amidst the innumerable Crouds of Loans, which are opened in this Country, many of which have little Success, I was much afraid that ours would have failed. I have however the pleasure to inform you that I am at last 1½ million of florins or 3 million of Livres in Cash, which will aid the operations of our Financier.”

25th. My being extremely hurried & the Posts hour just at hand I can say but little about private Affairs. I now understand you about the Hay, but I believe it will make but little difference—as the Estate of Mr. Livingston is obliged to make an Allowance to Ricky in quantity between that put up in Summer & when delivered in Winter, he will certainly expect the same from you, as a Ton in Summer, will not make much more than 1500 lb in winter. I wrote him before I left home that I would have nothing farther to do with the Sales, and that he must see to the disposal of the Hay & Grain himself. The Price in the Summer was 60/ but it must then have been taken away, but when the Ex[ecuto]r sends about the rest you can settle that as you please, or with Ricky who perhaps will sell the rest. I do not think there will be a necessity for Mr. Wallace to take any from Ricky as there will be enough of mine for him & you & me too, as I left above Twenty Tons or thereabouts, but on no Acct do not cramp yourself. I am sorry you had so much Trouble with the office tho it is only what I expected, as we have had the same every winter.

I despair of getting Patty at a sewing School, as nothing will do here but dancing or Musick.

I have by two several Conveyances recd the enclosed from Madeira. You had best send immediate Notice to Mr Remsen & Van Zandt of the News abt. Oswalds Commission, as it may prevent their being imposed on in the Mercantile way. *I have the strongest Confidence that our hopes will be fully answered by March.*

Mrs. B., Susan & Patty join me in the most affectionate Compliments of the Season, to Mrs. P., Johnny & Self. Am Dr Sir, Yours &c, B.

[P.S.] Remember me to Mr. Dennis, Livingston, Mr Morton &c &c. I sincerely condole with Mr Dennis in his Loss.

RC (PHi: Boudinot Papers).

James Madison's Notes of Debates

Teusday 24 Decr. [1782]

The letter from Mr. Jay inclosing copy of the intercepted letter from ¹ was laid before Congress.² The tenor of it with the comments of Mr. J affected deeply the sentiments of Congress with regard to {France}.³ The policy in particular manifested by {France} of keeping us tractable by leaving the British in possession of posts in this country awakened strong jealousies, corroborated the charges on that subject, and with concomitant circumstances may engender the opposite extreme of the gratitude & cordiality towards {France}; as the closest friends on a rupture are apt to become the bitterest foes. Much will depend however on the course pursued by Britain. The liberal one ⁴ seems to be pursuing will much promote an alienation of temper in A.⁵ from {France}. It is not improbable that the intercepted letter from Marbois came thro' his hands. If G.B. therefore yields the Fisheries & the back territory, A. will feel the obligation to her not to {France} who appears to be illiberal as to the 1st & favorable to Spain as to the 2d object; and consequently has forfeited the confidence of the States interested in either of them. Candor will suggest however that the situation of {France} is & has been extremely perplexing. The object of her blood & money was not only the independence, but the commerce and gratitude of America; the commerce to render Independence the more useful, the gratitude to render that Commerce the more permanent. It was necessary therefore she supposed that America should be exposed to the cruelties of her Enemies, and be made sensible of her own weakness in order to be grateful to the hand which relieved her. This policy if discovered tended, on the other hand to spoil the whole. Experience shews that her truest policy would have been to relieve A. by the most direct & generous means, & to have mingled with them no artifice whatever. With respect to Spain also the situation of {France} has been & is peculiarly delicate. The claims & views of Spn & A. interfere. The former attempts of B. to seduce Sp. to a separate peace, & the ties of {France} with the latter required of her to favor Spain, at least to a certain

degree, at the expence of A. Of this G.B. is taking advantage. If {France} adheres to Sp., G.B. espouses the views of A.; & endeavours to draw her off from {France}. If {France} sd. adhere to A. in her claims, B. might espouse those of Sp & produce a breach between her {France}, and in either case B. wd. divide her enemies. If {France} acts wisely she will prefer the friendship of A. to that of Spain. If A. acts wisely she will see that she is with respect to her great interests, more in danger of being seduced by B. than sacrificed by {France}.

The deputation to R.I. had set out on the 22d & proceeded ½ days journey. Mr. N. casually mentioned a private letter from Mr. P. to Mr. M.⁶ informing that the Legislature of Virga. had in consequence of the final refusal of R.I. repealed her law for the impost. As this circumstance if true destroyed in the opinion of the deputies the chief argt. to be used by them viz the unanimity of the other States, they determined to return & wait for the Southern post to know the truth of it. The post failing to arrive on the 23d the usual day, the deputies on this day came in to Congress and stated the case. Mr. M. read to Congress the paragraph in the letter from Mr. P. Congress verbally resolved that the departure of the Deputies for R.I. sd. be suspended untill the further order of Congress;⁷ Mr. M. promising to give any information he might receive by the post. The arrival of the post immediately ensued. A letter to Mr M. from Mr. R. confirmed the fact, & was communicated to Congress.⁸ The most intelligent members were deeply affected & prognosticated a failure of the scheme, & the most pernicious effects to the character, the duration, & the interests of the confederacy. It was at length, notwithstanding, determined to persist in the attempt for permanent revenue, and a Committee was appointed to report the steps proper to be taken.⁹

A motion was made by Mr. R——dge to strike out the salvage for recaptures on land, on the same principle as he did the words “accruing to the use of the U.S.” As the latter had been retained by barely 7 States, and one of these was not present the motion of Mr. R. succeeded. Some of Those who were on the other side, in consequence, voted agst. the whole resolution & it failed. By compromise it passed as reported by the Committee.¹⁰

The grand Committee reported after another meeting with respect to the old money. that it sd. be rated at 40 for 1. The Chair decided on a question raised, that according to rule the blank sd. not have been filled by the Committee, so the rate was expunged.¹¹

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:441–43.

¹ At a later date Madison inserted “Marbois.”

² John Jay’s September 18 dispatch and the enclosed copy of a letter of March 13, 1782, from the marquis de Barbé-Marbois to the comte de Vergennes, are in PCC, item 110, 2:263–71; and Wharton, *Diplomatic Correspondence*, 5:263–65, 740. Jay’s dispatch of October 13, containing another copy of the same intercepted letter, had been laid before Congress the preceding day, for which see Madison’s Notes, December 23, note 2.

³ Words printed in braces in this text were written by Madison in cipher.

⁴ Madison later inserted "Oswald."

⁵ That is, America.

⁶ Abner Nash, Edmund Pendleton, and James Madison. For Pendleton's December 9 letter to Madison, see Madison, *Papers* (Hutchinson), 5:382–84.

⁷ This verbal resolve of December 23 was not entered on the journals.

⁸ For Edmund Randolph's December 13 letter, see Madison, *Papers* (Hutchinson), 5:399–402.

⁹ Although the Rhode Island deputation was officially suspended this day and a committee—Alexander Hamilton, Thomas FitzSimons, and Madison—was appointed to consider "such further measures as it may be proper for Congress to take upon the subject at large," the committee apparently never reported, perhaps because its function was subsumed by the grand committee on revenue. See *JCC*, 23:831; and *PCC*, item 186, fol. 76.

¹⁰ See Madison's Notes, December 23, note 1.

¹¹ Congress had responded negatively on November 26 to the grand committee's recommendation that money be redeemed at a 40 to 1 rate, declaring it "unjust." In this instance, Pres. Elias Boudinot apparently invoked "the rule" Congress adopted November 19 that "when a Proposition consists of a negatived Resolution & a negatived Amendment, such resolution is out of order," and the committee's recommendations were therefore not entered on the journal, although they were again debated on January 7. See *JCC*, 23:831–32, 24:39–42; Virginia Delegates to Benjamin Harrison, November 19, note 3; and Madison's Notes, November 26, 1782.

James Madison to Edmund Randolph

My dear Sir

Philada. Decr. 24th. 1782

Since my last the Danae a French frigate has arrived from France with money for the French army and public despatches. A snow storm drove her on shore in this Bay where she was in danger of following the fate of one the last Frigates from France. The accident as it turned out only cost her all her masts. The despatches for Congress are from Mr. Franklin, Mr. Jay & the Marquis de la Fayette, and come down to the 14th Ocr.¹ They advise that the 1st Commission issued to Mr. Oswald empowered him to treat with certain Colonies &c. which being objected, another issued explicitly empowering him to Treat with Commisrs. from *the thirteen United States*. The latter, of which a copy was inclosed, and which will be transmitted to the Executives,² is grounded on the Act of Parliament, but is to continue in force no longer than July 1783. It is no doubt on the whole a source of very soothing expectations, But if we view on one side the instability & insidiousness of the British Cabinet, and on the other the complication of interests and pretensions among the Allies, prudence calls upon us to temper our expectations with much distrust.

Mr. Adams concluded his Treaty of Amity & Commerce on the 7th of Ocr. and had in hand 1½ Million of Florins out of the 5 Million for which subscriptions had been opened. As this however was the sum *subscribed* in June last, it is no certain evidence of any other progress than that of the *payments*.

There are accounts but neither official nor certain that Madrass had been taken by the combined arms of France & Hyder Ally. $\frac{3}{4}$ of Constantinople had been reduced to ashes by incendiaries inspired with the desperate purpose by the public distresses and a blind revenge agst. the Vizier who was regarded as the cause of them. The havoc suffered by the French & Spaniards in the attempt to storm Gibraltar before its relief, appears to have been dreadful indeed. The loss on the English side which amounted to about 500 is a proof that the effort was a bloody one.

Mr. Livingston has been prevailed on to hold his office for this winter.³ The election of a successor was within a moment of being made when the practicability of retaining his services was discovered. The Gentlemen in nomination were {General Schuyler}⁴ & Mr. {Clymer}. Mr. {Reed} had been nominated but withdrawn.

The deputation for Rhode Island is still here. A report that Maryland is receding with respect to the object of their mission, and information conveyed in a letter from Mr. Pendleton to me that Virga. on hearing of the unanimous refusal of R.I. had repealed her accession, by disarming them of their most pointed argument has produced great hesitation. They wait at present however only for intelligence with respect to Md. & Va. which was expected by yesterday's post. But the post is not even yet come. The inferences which R.I. will probably draw from Oswalds Commission are another source of apprehension. If justice & honor however preside in her Councils she will feel as much the obligation of providing for the discharge of past engagements as for contracting those which may be necessary in future. Our debts at this moment liquidated & unliquidated, cannot I conceive be less than {forty million} Dollars. The interest therefore alone is a very serious object, and I am persuaded that unless it be raised by some plan which will operate at the same time & in due proportion throughout the Union, that neither its amount nor punctuality can be confided in. Besides the other obvious causes, a jealousy is already perceived among some States that others will eventually {elude their share of the burden}. The interest on the sum borrowed by Mr. A. is now running and soon will, if a part hath not already, become due. Nor is their any fund in contemplation for its payment but that of the Impost.

Of[icia]l Cy[phe]r. {The french army} are {embarking for the West Indies count R[ochambeau]} says that in case {the war} sd. {be renewed against us they will instantly return}. Great efforts will I fancy be {made on that theatre unless arrested by peace}. I need not give other intimations of secrecy of these points than the nature of them & the use of the Cypher p[ermits]. J.M.

[P.S.] I intended the paper inclosed to Mr. A.⁵ for you. You may exchange if worth while.

RC (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:448–50.

¹ See Madison's Notes, December 23, note 2.

² See Samuel Wharton to John Cook, December 23, note 2.

³ See Madison's Notes, December 21, note 1.

⁴ Words printed in braces in this text were written by Madison in the official Virginia cipher.

⁵ Undoubtedly Jacquesin Ambler. The inclosed paper has not been identified.

Virginia Delegates to Benjamin Harrison

Sr.

Phila. 24th. Decr 24. 1782.

We have no southern mail this week.¹ Since our last a Frigate from France has arrived in Delaware Bay, by her we have Letters from our Commissioners at Paris so late as the 14th day of Octr. inclosing a Copy of a Commission to Mr. Oswald of the 21st of Sepr. revoking the one granted the begining of the preceeding month in which the States of America were called British Colonies and Plantations.² The last authorises Mr. Oswald to conclude a peace or truce with any person or persons duly impowered for the Purpose in behalf of the thirteen united States of America. These new powers were given in consequence of the absolute refusal of our Comrs. to treat under the first Commission to Mr. Oswald. You will receive a copy of the Commission transmitted to Congress from the Secretary of foreign affairs.³ Some steps have been taken by the Comrs. subsequent to the receipt of these new powers but nothing so determined as to authorise the forming any conclusion, or what may ultimately be the issue of the negotiations. When we reflect upon The different interests to be considered and the time necessary for their discussion and adjustment, we ought not to entertain too sanguine hopes of a speedy conclusion, even if it should ultimately be a favourable one, on the contrary prudence and sound policy dictate that we pursue with unremitting attention the measures proper for War untill we are certain they are no longer necessary. The treaty of Commerce with the seven united provinces of the Netherlands, we have good reason to believe was signed by the parties the 7th of October, tho' we have no official authentication of the fact. There are accounts that the French forces in the Et. Indies in conjunction with those of Hyder Alli have taken Madras. This intelligence however wants official confirmation. We have the honor to be, yr. Excellencys obedt servts.

Jos. Jones.

J Madison Jr

RC (Vi: Continental Congress Papers). Written by Jones and signed by Jones and Madison. Madison, *Papers* (Hutchinson), 5:446–47.

¹ The southern mail arrived this day after this letter was written, for which see Madison's Notes, this date.

² See Madison's Notes, December 23, note 2.

³ See Samuel Wharton to John Cook, December 23, note 2.

Elias Boudinot to Elias Dayton

Sir,

Philadelphia Decr. 25th 1782

Your polite & Friendly Letter of the 16th Novr. was duly handed to me, and the hopes of being able to answer it e'er this, in a more agreeable Manner has delayed this Letter.

Congress have been repeatedly engaged in endeavouring to settle some permanent Rule for the promotion of Colonels to the Rank of Brigadier. Your promotion, which we have Invariably insisted on, previous to our Consenting to any rule that would exclude you, has prevented several Essays, from being carried into Execution. At length it has been proposed & resolved, that the Army should be divided into three districts & where the Troops of two States formed one Brigade, the eldest Col. should be promoted to the Command. The Secretary of War informs me that this will provide for you, as the Troops of New Jersey & Delaware will be brigaded together. I hope by this mode, Justice will be done to your Services & Merit.¹

E'er you receive this you will undoubtedly hear of the admission of our Independence by the Crown of Great Brittain having Commissioned Mr Oswald to treat with the thirteen united States of America.

I am much obliged by your kind Congratulations and shall endeavour to act in such Manner as I hope not to give my Friends any remorse for their good wishes.

Accept of the Complements of the Season & believe me to be with great Sincerity, Sir, Your most Obedt. & very Humble Servt,

Elias Boudinot

RC (NN: Miscellaneous Folders).

¹ For Colonel Dayton's promotion, see Abraham Clark to Dayton, December 11 and 16, 1782, and Boudinot to Dayton, January 7, 1783.

Elias Boudinot to George Washington

Dear Sir,

Philadelphia 25th December 1782.

I was honored by your Excellency's letter of the 16th instant, which I laid before Congress.¹

It is with great pleasure that I congratulate your Excellency and the Army, on the admission of our Independency and national Character by the Court of Great Britain, in the issuing a Commission under the Great Seal to Mr. Oswald, now at the Court of Versailles, for treating with any Commissioner or Commissioners of the Thirteen United States of North America; a copy of which I do myself the honor to enclose for your Excellency's information. There was a prior commis-

sion to the same person to treat with the Thirteen Colonies &c. but our Commissioners refused to negotiate under it, which produced this more explicit power.

Although there is great doubt yet, whether a peace will ensue, yet in case of a continuance of the War this admission must have beneficial consequences.

The following Extracts contain the residue of our public intelligence.

"From several Asiatic accounts there is great probability that Madrass has been taken by the French Troops, which have landed at Porto Neuvo, and the Army of Hyder Ally, with whom they have made a junction; but no official account has come to hand, and this intelligence cannot be given as a certainty."

From Mr. Adams.

"We have at length the consent of all the Cities and Provinces, and have adjusted and agreed upon every article, word, syllable, letter and point in the Treaty of Commerce, and Clerks are employed in making out fair copies for signature, which will be done this week. Amidst the innumerable Clouds of Loans which are opened in this country, many of which have little success, I was much afraid that our's would have failed. I have however the pleasure to inform you that I am at last One Million and an half of Florins, or Three Millions of Livres, in Cash, which will aid the operations of our Financier."

Some of the foreign letters to Gentlemen of consequence here mention a belief at the Court of France, that both Charles Town and New-York would be evacuated this Fall.

Your Excellency's private favour of the 14th instant, also came safe to hand by Colo. Tilghman.² The benevolent subscription of twenty Guineas with which your Excellency honored the attempts to raise a provision for the truly unhappy Family of the late Revd. Mr. Caldwell, was of special service to those destitute Orphans by so excellent an example. I have hitherto had the sole care of these helpless Children, and whenever it will perfectly coincide with your other affairs, I will gratefully accept this instance of your generous attention in their behalf.

Genl. du Portail is arrived in the Frigate that brought our dispatches referred to above.

Mrs. Boudinot and Miss Susan join me in the most affectionate compliments of the Season to Mrs. Washington and your Excellency.

I have the honor to be, with very great respect and esteem, Your Excellency's Obedt. & very humb. Servt. Elias Boudinot

RC (DLC: Washington Papers).

¹ Washington's December 16 letter is in PCC, item 152, 11:41-42, and Washington, *Writings* (Fitzpatrick), 25:436-37.

² *Ibid.*, 25:427.

William Floyd to Thomas Dering

Sir ¹

Philadelphia Decbr 25th 1782

By the last post I wrote to Doctor Dickenson ² Inclosing the Newspapers Requesting him After he had perused them to Send them to your house, for the Entertainment of the family if there was anything in them that would answer that purpose.

Since that time a Vessel, Indeed a French Frigate is arrived from France having a Short passage, by which Doctor Franklin has Sent us a Copy of a Commission, Given by the King of Britain, to a Mr. Oswald, to Treat of peace with our Ministers in France.

The Commission is full, and Ample; empowering him to treat with the Ministers, or Commission of the thirteen United States of America, Naming them from New Hampshire to Georgia Inclusive. The French officers who Came in the Frigate Say, that the Negotiation was going on, and that it was in General, Expected, that peace would take place in the Course of the winter. But as there are Many Interests Concerned in the Making of Peace, so it Renders it the more uncertain, and we ought not to Raise our Expectations too high, tho' prospects may appear very favourable.

You know that I am Apt to be pretty Sanguine Respecting our public Affairs, But shall not give you my Opinion at this time, Expecting in Some future Letter to do it, without Reserve.

The above Mentioned Frigate unfortunately Run a Shore in a Snow Storm Coming into this River, a Little below Reedy Island, the Weather afterward proving favourable She is Got off Safe, with little other Loss than that of her masts.

We have not Recd. any Official Account of the Evacuation of Charlestown, But it is Generally Believed to have taken place.

Inclosed you have Some of the News papers, and altho' they Do not Contain anything very Important yet they may assist to Shorten a Winter's Evening. When you have read them youl give Mr. Huntington & Doctr Dickenson the Reading of them, Requesting that they may be Returned to you, I could wish them all preserved for the Sake of Some political & other pieces which they Contain.

My best Respects to Mr. & Mrs. Dering and to all the family, and am
sir your most obedt and humble Servt.

Wm. Floyd

RC (NEh: Long Island Collection).

¹ Thomas Dering, former chairman of the Shelter Island, N.Y., committee of safety, who had taken refuge in Middletown, Conn. in 1776. Frederic G. Mather, *The Refugees of 1776 from Long Island to Connecticut* (Albany, N.Y.: J.B. Lyon Co., 1913), pp. 329-30.

² Floyd's letter to Dr. John Dickinson of Middletown, Conn., has not been found.

Alexander Hamilton to George Clinton

Sir

Philadelphia, Decemr. 25. 1782

Perhaps before this reaches you, you will have heard that the British have impliedly acknowledged our independence—by giving a commission of the 23d. of September to Mr Oswald to treat with *The thirteen United States of America*.

Many are sanguine in expecting that peace will be the result of the Negotiations, for my part I have hopes, but if it should not be the case I shall not be much disappointed. There are many jarring interests that will not be easily adjusted.

I have the honor to be, With perfect respect, Sir, yr most obed
A Hamilton

[P.S.] As Mrs Hamilton may be on the route I take the liberty to inclose a letter¹ for her which I request the favour of you to forward or return as circumstances shall dictate.

Reprinted from Hamilton, *Papers* (Syrett), 26:430.

¹ Not found.

Samuel Osgood to John Lowell

Dear Sir

Philadelphia Decr. 25th. 1782

I have enclosed you a Letter which I suppose contains your Commission.¹ Genl. Lincoln was to have taken charge of it—but the President of Congress accidentally omitted the Opportunity and after that I expected to have had the Pleasure of delivering of it myself—after having taken my leave of Philadelphia & riding eight or Ten Miles; after having expended all my Money And reducing myself to a disagreeable Situation, public Considerations influenced me to return very chearfully. Genl. Lincoln will undoubtedly have informed you of the Reason of my going Eastward; you may inform him that Congress approved entirely of the Committee's Conduct & that they will not go forward very soon & probably not at all.²

I wish to mention severally Things to you respecting Mr. Jay which would please you extremely & give you an exceeding good Opinion of him. His Conduct of late must be very satisfactory to all those who wish to participate in the Fisheries. His Determination has most agreeably disappointed me. But I have not Time to give any farther Information by this Post.

I am, very sincerely yours,

S. Osgood

RC (DLC: Osgood Papers).

¹ See Elias Boudinot to John Lowell, December 11, 1782.

² Osgood was a member of the committee appointed on December 6 to go to Rhode Island to appeal for approval of the five percent impost amendment. After delaying their departure because of the congressional inquiry into the actions of Rhode Island delegate David Howell, the committee left Philadelphia on December 22. However, it returned the same day after Abner Nash informed his fellow committeemen, Osgood and Thomas Mifflin, that Virginia had almost certainly rescinded its approval of the impost. On December 24 Congress officially "suspended" the deputation. See *JCC*, 23:772, 831; James Madison's Notes of Debates, December 24, 1782; and Osgood to Lowell, January 6, 1783.

Phillips White to Meshech Weare

Sir

Philadelphia Decr. 25th, 1782.

By a vessel arrived here from France, Congress have received from our Ministers there, a Copy of the Commission to the Minister Plenipotentiary, from the British court, to treat with them on terms of peace. Sundry letters accompanied said Copy the Contents of which I am not at liberty to communicate. I flatter myself that peace is at no great distance, but however flattering affairs appear, the Negotiation may break off without a peace.

No certain account that the Enemy have left Charleston, but expect it every day.

By many circumstances there is reason also to think that New York will be evacuated by them within a short time.

Nothing further done on the affair of Vermont.

No final determination with respect to Continental Bills now in the hands of individuals, or in any State Treasury more than their Quota, although much time has been spent on the Subject, the affair is to be taken up again next Tuesday.

A resolve has passed that the Prizes in the fourth Class of the Contl Lottery be paid in Certificates at the rate of one Dollar for forty.¹ I remain your Honnours very Humble Servt,

P White

P.S. The Secretary of Foreign affairs is directed to send a copy of the above said Copy of the British ministers Commission to each of the united States.²

RC (Nh-Ar: Weare Papers).

¹ For this December 21 resolve, see *JCC*, 23:824.

² See Samuel Wharton to John Cook, December 23, note 2.

Oliver Wolcott to Oliver Wolcott, Jr.

Sir

Philadelpa. 25 Decr 1782

I arrived here well last Thursday, having been delayed some in my Journey by a horrible Snow Storm which fell Two Feet deep in the Jerseys.

You will perceive by the Papers that his Brittanick Majesty has issued a Commission to Mr Oswald to conclude a Peace with the States of America, this Commission which is signed by the King amounts to an explicit Acknowledgment of our Independence. But the Duplicity of the british Court, Their Variation of Measures upon every Turn of Fortune, And the different Interests which are to be adjusted, renders the speedy establishment of Peace an Event farr from being certain. The Copy of the Commission made to Oswald has been given to our Ministers, and consequently the Avowal of our Independence having implicitly been clearly made, every Neutral Power can justify itself, by treating us as an independent Sovereignty.

I hope that before now you have succeeded, so as to be admitted amongst the numerous Class of the forensick Bowlers¹—and that altho you may not be equally Vociferous with some of them, with whom Impudence is considered as an essential Quality to the profitable Discharge of their Duty, yet I trust that you will possess that proper assurance and manner of expression which will become you. As to any other Requisites, you either do or can so easily possess them that I have no fear of your Success.

I wish you to desire Mr. Goodwin to enclose Me his Paper Weekly²—for which I will pay him.

You will write often to me, Yrs. Affectionately,

Oliver Wolcott

RC (CtHi: Oliver Wolcott, Jr., Papers).

¹ That is, to the bar as a lawyer. The younger Wolcott had been studying law in Litchfield, Conn.

² George Goodwin and Barzillai Hudson published *The Connecticut Courant* in Hartford.

William Blount to Oliver Pollock

Dear Sir,

Philadelphia Decr. 26. 82

I had the pleasure to receive your's of the 13th Instant by Post.

Mr. Nash is quite uneasy about his Bill as he has much Need of the Mony.¹ The Bill drawn by Mallett and Jewkes² on you for One hundred and Seventy Odd Dollars in favour of myself which I shewed to you before you left this, was sent me by Mr. Henry Toomer to raise Mony to assist his Brother Anthony Toomer with his Family Home (to the Southward) as I believe I told you when I presented it, and I have been obliged to advance him that and a larger Sum to enable him to leave this place.

By the last Post, say on the 24th Inst. I received another Bill drawn by Mallett and Jewkes on you for 535¾ Dollars at thirty Days Sight. I hope you will not be disappointed in getting here by the last January as I purpose to set out for Carolina at all Events on the first Day of February and it is next to the Performance of Impossibilities for me to

leave this without receiving the Mony from you on those two Bills. The Bills are both drawn on you at this place *Philadelphia*, and as you are absent I expect that you will admit of an Acceptance of the first from the Day I shewed to you and of the last from the Day that I received it here consequently the last will be payable the 24th January.

I am informed that I have also another Set of Bills drawn on you for the same Sum that is for 535 $\frac{3}{4}$ Dols. at thirty Days Sight which have been on their Way to me Since September and I am in hourly Expectation of receiving them. I shall have quite as much Need of that Sum as of the other two. What News this place affords the Papers contain. I am, your most Obt. Humble Sevt. Wm. Blount

RC (DLC: Pollock Papers).

¹ Abner Nash had also written to Pollock about this matter on December 3. "On my arrival here about four weeks ago from Carolina, I was very glad to be informed by Mr. Blount that you had accepted and would pay a draught on you by Messrs. Mallet & Jewks in my favour for 500 dollars. I therefore thought it might be proper to advise you of my being here, at the same time beging leave to add how much you will oblige me by ordering payment to be made as soon as may be convenient to you."

And he appealed to Pollock again in the following terms on January 25, 1783. "I have suffered the greatest inconvenience for want of the money due on Mr Mallet & Jewks's Bill on you—on the Cr. of it I have been able to borrow the money at 5 per Ct. per month & have left the Bill with Mr Hawkins not in the least doubting that it will now be paid in a very few days agreeable to yr. last Letter to me—if I had not ultimately depended on yr. paymt. of this Bill I could have sent it back & got reimbursmt. from the drawers before now and when this is considered I hope it will serve as an additional incitement to your taking it up—that I may be releived from a continuation of paying such unreasonable interest." Pollock Papers, 2:227, 239, DLC.

See also Blount to John Gray Blount, December 29, 1782.

² Merchants of Wilmington, N.C.

John Montgomery to Robert Magaw

Dear Sir

Philada. 26th Decbr 1782

Congress has Recd Sundrie letter and paper by the franch frigate as also a Coppey of Mr Oswalds Secund Commisn. which impowers him to treat with our Commisrs, the former has taken ours by the hand and Seem Friendly, a Peace is much talked off. In France the Prospect is pleasing but a litle Change of good fortune on the Side of England may Change thire present good Dispositions and all our hops Vanish. The nixt Dispatches from France will be interesting and I hop sovercerible [serviceable?] to Amirica. We have no accts. latly from the southard its belived that the Enimie has left Charles Town and that it is Exspected that they leave New York nixt Spring. The Board of Refugees are Dissolved¹ and the principle men of them are Shipping themselves to England. The Seat of war will be soon in the west

indias, the franch troops are going thither and Large reinforcements are Exspected from france and spain.

The paper war is renewed here and goes on as if this winter was to be the last Campain. They have Collected thire forces on Both sid's, inclosed you have Mr Dickinsons first letter of Defence three others will follow²—which I will Send when printed. I have advised our friends to Change thire ground to Collect facts from the minutes of assembly and the treasure Books and Strik of a number of hand Bills and Circulate them in the Difrent Counties. This I have reason to belive will be Done and no more Publications in the papers on thire Side. I am much pleased with the other Delagats for this State. Mr Peters is a Very usefull man and seems to understand the affairs before Congrass well, I am at a loss and must be Seilent. We Exspect Mr Wilson will Joyn us Soon his fainly is in twon and we Exspect that the Conecticute affair will be finishd this week. The franch frigate that was drove on a Bank near our Capes is got off and is Coming up. Genrl Deportale is Come in hir and Sundrie other Franch officers. Virginia has Repeald the 5 per Ct. Law which has stopt our Commiss from proceeding to Road Island to Endeavour to prevail with that State to Come in to the Plan. I am afraid other States will follow Viriginia in Repealing this Law. It is a Disagreeable Cercomstance and will incourage the Enimie to Continue the war. I Shall take the Liberty to write to you Evry oppertunity. Let me Know if you have agreed to take the news papers for the winter if you not I shall be more Carefull in sendg them to you. Pray present my Compliments to Mrs. Magaw.

I am Dear Sir your assurd Freind and Humbl Servant,

John Montgomery

RC (PHi: James Hamilton Collection).

¹ That is, the Board of Associated Loyalists at New York.

² John Dickinson's "first letter of Defence," written in response to attacks by "Valerius" and others who had questioned his loyalty to the patriot cause in 1776, appeared in the December 24 issue of the *Pennsylvania Gazette*, and was continued in the issues of January 1, 8, 15, and 22, 1783.

Oliver Wolcott to Laura Wolcott

My Dear

Philadelpa. 26th Decr 1782

I wrote to you by the last Post¹ informing you of my Safe Arrival at Philadelpa. and that I had taken private Lodgings with Mr Ellsworth where I expect my Situation will be as agreable as my Solicitude for an absent Family will admit.

I hope that amidst your Cares for the Family you will take all possible Care of your own Health, which is an Object of too much Importance to be neglected, and which ought to have the preferance of

Considerations of farr less Consequence—And wish that you would let me hear from you as often as oppertunities will admit.

I mentioned in my last that his Britannick Majesty had issued a Commission to treat with the *States of America* under that Description, which necessarily implys our Independence—but considering the Duplicity of the Enemy, the Volatility of their Councils, the Various Interests to be adjusted, the speedy settlement of Peace is an Event that cannot be depended upon, but perhaps We have more Reason to expect that the present Negot[iat]ion which is now going forward, will conclude in that Manner, than We have had at any former Period. No News of the Evacuation of Charlestown, and I think that it will not take place till Peace shall be settled.

Things here at present bear in general a Very high Price—and shall therefore buy nothing at present but what is indispensably necessary—if a Peace shall soon take Place every foraign Article will instantly fall as low as it was before the War, as mony must fall, and probably such an Event would ruin Many.

By the Blessing of God I enjoy Health. May you possess the like Favour. My Love to my Children and be Assured of my inviolable Regard for you. Yours affectionately,
Oliver Wolcott

RC (CtHi: Oliver Wolcott, Sr., Papers).

¹ This December 25 letter is also in the Oliver Wolcott, Sr., Papers at CtHi. Nearly all of the information contained in it is repeated in the present letter or in Wolcott's December 25 letter to Oliver Jr. printed above.

Ralph Izard to Alice Izard

My Dear Wife Triplicate Philadelphia 28th Decr. 1782.

General Du Portail is arrived here, & has delivered me a packet of Newspapers from you. The Danae Frigate in which he came ran ashore in the Delaware. He came to Town several days ago, & informed me that he had seen you immediately before he left Paris, but that you had given him no Letter for me, which was a great disappointment. The Frigate is got off, & come up to the City, & he has found your Letter of 13th October, which was delivered to me yesterday. It would have been very unlucky, if it had been lost, as that of 4th Augt. by Mr. Cochran was the last I had received from you. The Ship Congress, & the Intrepid are both arrived from L'Orient; by neither of those Vessels have I received a line from you. Mr. Barclay by the latter, informs me that you gave him a Letter for me, which he forwarded by the Congress; but it has unfortunately miscarried. I have observed that since your arrival at Paris, you have not so frequently sent copies of your Letters, as you used to do when you were at Brussels, which has prevented my hearing from you as often as I wish to

do. The Letter by General Du Portail should have enclosed a Copy of that which was lost in the Congress; & that by Mr. Cochran should have been accompanied by a copy of the one you wrote a fortnight before, & delivered to Mr. Cuming, which I have never received. Mr. Barclay's Letter by the Intrepid, & yours of 13th Octr. inform me of the death of M. de Clonard, for which I am exceedingly sorry. Pray present my affectionate regards to his Lady, & assure her that I most sincerely participate in the affliction which must be felt by all the friends of so valuable a man. The kindness, & attention which you have repeatedly informed me you have received from Madame de Clonard, will always endear her to me. The last accounts from Europe flatter us with the prospect of Peace; I most ardently hope that we may not be disappointed. Should that happy event take place before you leave France, it will be a Thousand times more welcome to me, as it will enable you to come over in greater safety. We have not yet received an account of the evacuation of Charles Town. Above two Months ago the Enemy abandoned all their outworks, & confined themselves to the Town. They likewise embarked all their stores, & the greatest part of their Cannon, & sent off a part of the Garrison. The remainder must have been detained by counterorders: if we do not hear soon of their having left it, I fear they will endeavour to keep it during the War. If they evacuate it, I shall once more be enabled to support my family comfortably at home, which will be a degree of happiness to which I have for several years been a stranger. If Peace should be concluded this Winter, you will come either to Philadelphia or New York. If the War is to be continued, & you leave France as early as March, I should be glad that you would come to Baltimore. If you embark so late as that you may probably come on the coast of America in June, or July, I think Boston would be the best place for you to come to. Mr. Barclay has been very kind in offering to afford you any service in his power. He is a worthy man, & very capable of advising, & assisting you, & therefore I desire that you will apply to him to procure you the accommodations of a proper Vessel. Bring with you a Machine to copy Letters, if you can get one, & some of the paper proper to be used with it. Dr. Franklin copies his Letters with a Machine. It is a very useful contrivance, & saves a great deal of trouble. My health continues very good; but I am tired of public business, & am anxious to return home with my family, to my Farm at Goose Creek. Make haste then my Dear Wife to assist me in carrying this plan into execution. I am pleased with the account you give of your German Servant, & wish that you would bring him with you instead of Richard. The piteous application the latter made to me before I left Europe, was one of the strongest reasons for my wishing to have him. As he seems satisfied with living with Mr. French, I am by no means desirous that he should come to me. On the contrary; for if his

inducement would be what Mrs. Blake mentions, he would rather be an incumbrance. A personal attachment to me would be his principal recommendation; & if that does not exist, I had rather that he should stay where he is. I hope Mrs. Blake took particular care in her application to Richard, not to give any offence to Mr. French. Frank continues to behave very well, & I do not at all feel the loss of Dupré. As your Letter of 4th August mentioned that Charlotte was almost entirely reinstated, & Peggy a great deal better, I was in hopes that by this time I should have the satisfaction of hearing that they were both perfectly recovered. The strictest attention should be continued till the evil is entirely removed. I am very happy to hear that you, & the Children are all well; I hope they continue their improvements, & that you have reason to be satisfied with them in everything. Give my Love, & Blessing to them all, & I hope you remember always to give my Compliments to the persons you mention at the end of your Letter, as if they were particularly named.

I am My Dear Wife, Your affectionate Husband, Ra. Izard.

[P.S.] I fear that many of my things at Marseilles are lost; particularly my Sulphurs. They were not, I think, in the Catalogue which Mr. Cathalan sent me, & which you will find among my papers left in Paris.

Jan'y 2d. 1783. I congratulate you on the return of this day, & hope in the sincerity of my heart that you may enjoy many of them in health, & happiness. Mr. Du Bouchet the Deputy Adjutant General of the French Army will deliver this Letter to you. He was a fellow Passenger of mine on board of the Amazon Frigate, & I have a great regard for him; you will therefore I am sure be glad to see him. Mr. Jefferson, a joint Commissioner with Mr. Adams, Dr. Franklin, & Mr. Jay, for negotiating Peace; I believe goes, with his Daughter, who is about Ten years old, in the same Frigate with Mr. DuBouchet. He is a worthy, & sensible man, & has lately lost a very amiable Wife, to whom he was greatly attached. I wish there may be an appartement vacant in your Hotel, which may suit him. His daughter is a very sensible little Girl, & I hope you may have it in your power to be of service to her. Peggy is now arrived at such an age, that I can not help being alarmed about her. I should be exceedingly unhappy if she were to form any attachment in Europe, & therefore I hope you take particular care to prevent it. The Count de Rochambeau, & the Chevalier de Chattellux (the last a great Partizan of Dr. Franklin) will sail for France at the same time that Mr. Jefferson goes, but in another Frigate.

I send by Mr. Du Bouchet a Snuff Box, which he promises to get mended for me at the Hotel de Jabac. Pray pay him for it; & bring it with you. Gillon's Ship is taken by a British 44 & two other Frigates. He was not himself on board: Joyner commanded. Gillon was on his

journey by land to South Carolina at the time. He has been infamously persecuted by Usher, & Horner. This entre nous.

RC (ScU: Izard Papers).

William Blount to John Gray Blount

Dear Sir,

Philadelphia Decr. 29th 1782

Your's of the 23d Novr. I received by [. . .] last Post and is the only one that I have received since the One by Mr. Blackledge. The one you mention to have wrote me "as early as September" and sent to Col. Ashe inclosing a "Sett of Bills" drawn by Mallett & Jewkes on Oliver Pollock for 535¾ Dollars nor the letter of Advice I have not seen nor heard of. Inclosed I found a Bill for 535¾ Dollars which you call the first of the other Set, drawn by Mallett and Jewkes on Oliver Pollock *Philadelphia*.

Soon after my Arrival here Mr. Nash sent me a Bill for 500 Dollars drawn by Mallett and Jewkes on Oliver Pollock (at some few days sight).¹ I presented the Bill and Mr. Pollock refused to accept it to be paid at the Sight it was drawn at but said he would accept it to be paid in Novr. or Decr. which I permitted him to do. In Novr. he went to Virginia soon after Mr. Nash arrived here to whom I delivered the Bill. As the time of Payment drew near Mr Nash wrote him requesting to Know to whom he should here apply for the Mony when it became due in Case it should be inconvenient for himself (O.P.) to return here by that time and the following is his Answer. "Richmond Decr. 13th 1782. Sir, Your favour of the 3d Inst. is now before me and with Respect to the Bill in your favour for 500 Dollars, I am sorry to inform you it will be out of my power to discharge it before the later End of next month at which time I hope to have the Honor to hand the amt. in Person. I am &c. O.P. To the Honble A Nash Esqr."

I have recited the Circumstance respecting Mr Nashe's Bill to prove two Things to you, the first is that he does not pay the Bills in Novr. or Decr. the time chosen and fixed on by himself and the other is that he will not be here before the later End of January but the Day before I purpose to set out for Carolina. Another Bill in favour of H. Toomer came into my Hands drawn by Mallett and Jewkes on O. Pollock for One hundred and Seventy Odd Dollars at ten days Sight. Before he went to Virginia I waited on him and presented the Bills for Acceptance which he refused to do unless I would admit of an Acceptance to be paid in Decr. which I declined. This Bill was by H. Toomer intended to reimburse me in part for the Mony I advanced his Brother Anthony. Mr. Pollock is a Man who unfortunately for him has a great Deal of Mony due to him both by the U. States and the S. of

Virginia on which I fear he too much depends for the raising of Money to discharge his debts or Bills; tho' when he first arrived here he told me that he had a quantity of Beaver Furr in the Hands of some Gentlemen of this place on which he principally depended to raise Cash and yesterday Inquiry was made of One of them about that Furr and from the Answer received No Hopes can be entertained of that fund producing any thing.

I have put the Bills the ones you sent me and the One Toomer sent me into the Notary's Hands and they are noted for Nonacceptance and when the days expire at which they respectively become due they will be protested for Non-payment.

Should the other Set arrive I shall put them in the same Train. Observe this Protest will be founded upon Mr. Pollock being not to be found at the place mentioned as his Residence in the Bill Viz. *Philadelphia* therefore I hope it will not affect his Credit as it certainly would was he on the Spot and should he arrive here as he says he will by the last of January I shall offer him the Bills protested as they certainly will be without Damage or Charge of Protest and if he takes them up it will be fortunate for me if not they must recoil on the Endorsor & Drawers. I am &c &c

Wm. Blount

Philadelphia January 4th 1783. The above is in Substance a Copy of a letter written to you by the last Post but I expect this will reach you before that does. By the last Post I also wrote you several other letters.²

Wm. Blount

RC (Nc-Ar: Blount Papers).

¹ For Abner Nash's efforts to collect on this bill, see also Blount to Pollock, December 26, 1782.

² Not found.

James Madison's Notes of Debates

[December 30, 1782]

From Teusday 24 Decr. the journals suffice untill Monday 30 Decr.

A motion was made by Mr. Clarke seconded by Mr. Rutlidge to revise the instructions relative to negotiations for peace, with a view to exempt the american Plenipotentiaries from the obligation to conform to the advice of France.¹ This motion was the effect of impressions left by Mr. Jay's letters & the intercepted one from Marbois.² This evidence of separate views in our ally, and the inconsistency of that instruction with our national dignity, were urged in support of the motion. In opposing the motion many considerations were suggested, and the original expediency of submitting the commission for peace to the counsels of France discanted upon. The reasons assigned

for this expediency were that at the juncture when that measure took place, the American affairs were in the most deplorable situation, the Southern States being over run & exhausted by the enemy, & the others more inclined to repose after their own fatigues than to exert their resources for the relief of those which were the seat of the war; that the old paper currency had failed, & wth. it public credit itself to such a degree that no new currency could be substituted; & that there was then no prospect of introducing specie for the purpose, our trade being in the most ruinous condition, & the intercourse with the Havannah in particular unopened. In the midst of these distresses, the mediation of the two Imperial Courts was announced. The general idea was that the two most respectable powers of Europe would not interpose without a serious desire of peace, and without the energy requisite to effect it. The hope of peace was therefore mingled with an apprehension that considerable concessions might be exacted from America by the Mediators, as a compensation for the essential one which Britain was to submit to. Congress on a trial found it impossible from the diversity of opinions & interests to define any other claims than those of independence & the alliance. A discretionary power therefore was to be delegated with regard to all other claims. Mr. Adams was the sole minister for peace, he was personally at variance wth. the French Ministry; his judgment had not the confidence of some, and his impartiality in case of an interference of claims espoused by different quarters of the U.S. the confidence of others; a motion to associate with him two colleagues, to wit, Mr. F[ranklin] & Mr. Jay had been disagreed to by Congress; The former of these being interested³ in territorial claims which had less chance of being made good in any other way, than by a repossession of the vacant country by the British Crown; the latter belonging to a State interested in such arrangements as would deprive the U.S. of the navigation of the Mississippi & turn the wartime trade thro' N.Y.; and neither of them being connected with the So. States. The idea of having five Ministers taken from the whole union, was not suggested until the measure had been adopted, and communicated to the Chevr. de Luzerne to be forwarded to France, when it was too late to revoke it.⁴ It was supposed also that Mr. Laurens then in the tower wd not be out, & Mr. Jefferson wd. not go &. that the greater the no. of Ministers, the greater the danger of discords & indiscretions, add that as it was expected that nothing would be yielded by G.B. which was not extorted by the address of France in managing the Mediators, and that it was the intention of Congress that their minister should not from the sentiments of France oppose a peace recommended by the latter & approved by the former it was thought good policy to make the declaration to France, & by such a mark of confidence to render her friendship the more responsible for the issue. At the worst it could only be considered as a sacrifice of our pride to our interest.

These considerations still justified the original measure in the view of the members who were present & voted for it. All the new members who had not participated in the impressions which dictated it and viewed the subject only under circumstances of an opposite nature disapproved it.⁵ In general however the latter joined with the former in opposing the motion arguing with them that supposing the instruction to be wrong, it was less dishonorable, than the instability tht wd. be denoted by rescinding it; that if G.B. was disposed to give us what we claimed, France could not prevent it; that if G.B. struggled agst. those claims our only chance of getting them was thro' the aid of France; that to withdraw our confidence would lessen the chance & degree of this aid; that if we were in a prosperous or safe condition compared with that in which we adopted the expedient in question, this change had been effected by the friendly succours of our ally, & that to take advantage of it to loosen the tie, would not only bring on us the reproach of ingratitude but induce France to believe that she had no hold on our affections but only in our necessities; that in all possible situations we sd. be more in danger of being seduced by G.B. than of being sacrificed by France; the interests of the latter in the main necessarily coinciding with ours; those of the former being diametrically opposed to them. That as to the intercepted letter, there were many reasons which indicated that it came through the hands of the Enemy to Mr. J. that it ought therefore to be regarded even if genuine, as communicated for insidious purposes; but that there was strong reason to suspect that it had been adulterated if not forged; and that on the worst supposition, it did not appear that the doctrines maintained or the measures recommended in it had been adopted by the French Ministry and consequently that they ought not to be held responsible for them.

Upon these considerations it was proposed by Mr. Wolcott 2ded. by Mr. Hamilton that the motion of Mr. Clarke should be postponed, which took place without a vote. Mr. M[adison] added that the letter from Docr. Franklin of the 14 Oct. 1782⁶ shd. be referred to a Committee with a view of bringing into consideration the preliminary article proposing that British subjects & American Citizens sd. reciprocally have in matters of commerce the privileges of natives of the other party; and of giving to the American Ministers the instruction which ensued on that subject. This motion succeeded and the Committee appointed consisted of Mr. Madison, Mr. Rutledge, Mr. Clarke, Mr. Hamilton, & Mr. Osgood.⁷

The contract of Gel. Wayne was confirmed with great reluctance; being considered as improper with respect to its being made with individuals, as admitting of infinite abuses, as out of his military line, & as founded on a principle that a present commerce with G.B. was favorable to the U.S. a principle reprobated by Congress & all the

States. Congress however supposed that these considerations ought to yield to the necessity of supporting the measures which a valuable officer from good motives had taken upon himself.⁸

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:466–69.

¹ Abraham Clark's motion this day was not recorded in the journals, nor is it in PCC. For the instructions adopted by Congress on June 8, 1781, requiring the peace commissioners "to undertake nothing in the negotiations for peace or truce" without the knowledge and concurrence of the French ministers, see *JCC*, 20:617; and these *Letters*, 17:331.

² See Madison's Notes, December 24, note 2.

³ Madison later inserted at this point "as one of the Land Companies."

⁴ La Luzerne had forwarded the peace commissioners' new instructions to the comte de Vergennes on June 13, 1781, for which see Archives du Ministère des affaires étrangères: Correspondance politique, États-Unis, 17:162–63. For the maneuvering in Congress over the appointment of the peace commissioners, see these *Letters*, 17:319–21.

⁵ Of the members of the present Congress, only Madison, Daniel Carroll, Oliver Ellsworth, and Joseph Jones had also been delegates on June 8, 1781.

⁶ See Madison's Notes, December 23, note 2.

⁷ For the report of this committee, see Madison's Notes, December 31.

⁸ On August 9 Gen. Anthony Wayne, with the approval of Georgia, concluded a contract with the British merchants who had remained in Savannah after its evacuation in June. Following the precedent established by Washington's contract with the merchant-capitulants at Yorktown, Wayne permitted them to exchange their goods for Georgia products. In a letter of October 5 to Gen. Nathanael Greene, Wayne requested that a copy of the contract be forwarded to Congress with Greene's recommendation and he complied on October 9. These documents were submitted to Congress on December 2 and assigned to a committee consisting of Thomas FitzSimons, John Rutledge, and Madison, whose December 18 report was adopted this day. See *JCC*, 23:835–36; PCC, item 19, 2:493–95, item 155, 2:537–51, item 185, 3:48, item 186, fol. 71.

James Madison to Edmund Randolph

My dear Sir

Philada. Decr. 30th. 1782

Your favor of the 13th instant arrived a few minutes after I sealed my last. That of the 20th came duly to hand yesterday.¹ The sensations excited in Mr. Jones and myself by the Repeal of the law in favor of the Impost were such as you anticipated. Previous to the receipt of your information a letter from Mr. Pendleton to me had suspended the progress of the Deputies to Rhode Island. Yours put an entire stop to the mission, untill the plan or some other can be m[ade &] extended to the case of Virga.² The letter from the Govr. of the same date with your last,³ gives a hope that our representations may regain her support to the Impost, without further steps from Congress. Your doubt as to her power of revoking her accession, would I think have been better founded, if she had not been virtually absolved by the definitive rejection by Rho. Island; altho' that rejection ought perhaps to have been previously authenticated to her. I beg you to be circum-

stancial on this subject especially as to the parties and motives which led to the repeal, and may oppose a reconsideration.

Mr. {Jefferson}⁴ arrived here on Friday last, and is industriously arming himself for the field of negociation. The commission issued to Mr. Oswald impresses him with a hope that he may have nothing to do on his arrival but join in the celebrations of victory & peace. {Congress} however anxiously espouse the expediency of his hastening to his destination.

General McDougal, Col. Ogden & Col Brooks arrived yesterday on a mission from the army to Congress. The representations with which they are charged have not yet been handed in but I am told they breathe a proper spirit and are full of good sense.⁵ I presume they will furnish new topics in favor of the Impost which alone promises a chance of establishing that credit, by which alone the inadequacy of taxation can be supplied.

The French fleet and army sailed a few days ago from Boston {for the West Indies}. A Storm happened soon after their departure from which it is feared they *may* have suffered.

The Ship South Carolina procured in Europe for the State after wch. she was called was taken by three British Ships & carried into N. Y. a few days ago. Besides the loss sustained by those interested immediately in her, her fitness for annoying our trade renders the capture a general misfortune.

The Instructions referred to in your last favor relative to a union of Councils with our ally and to confiscated property were not transmitted as you supposed.⁶ The first I imagine was intended to guard against any possibility of misconstruing a late incident.⁷

I will comply with your desire as to the extract from Mr. Jefferson's observations, as soon as possible, perhaps by the next post, but more [prob]ably by the succeeding one.⁸

Mr. Ambler has not yet supplied me with answers to any of the queries. His apology is a satisfactory one, but I wish you to urge & assist his speedy compliance.⁹

The Lawyers, some of them at least have I hear returned from Trenton, from which it is inferred that it only remains for the Court to frame & promulge its decree. My next will probably transmit the tenor of it. You have not I hope forgot your [pro]mise of the case agitated so much in Virga. Mr. Pendleton's state of it has been recd. by Mr. Jones and has increased my curiosity to see yours.¹⁰

RC (DLC: Madison Papers). In Madison's hand, though not signed. Madison, *Papers* (Hutchinson), 5:472-74.

¹ For Randolph's letters, see *ibid.*, pp. 399-402, 424-26.

² See Madison's Notes, December 24, 1782.

³ For Benjamin Harrison's letter of December 21—rather than the 20th, the date of Randolph's "last"—see Madison, *Papers* (Hutchinson), 5:430-31.

⁴ Words printed in braces in this text were written by Madison in cipher supplied by Randolph, for which see Madison to Randolph, October 8, 1782, note 16.

⁵ For the arrival of the army deputation in Philadelphia and the submission of their "representations" to Congress, see Madison's Notes, January 6, 1783, note 2.

⁶ For the Virginia assembly's December 17 instructions to its delegates, see Madison, *Papers* (Hutchinson), 5:408–10.

⁷ That is, the tempest in the Virginia assembly created by the revelation of anti-French statements made by Arthur Lee in a private letter to Mann Page, for which see *ibid.*, p. 400.

⁸ Madison apparently sent Randolph installments of his notes from Thomas Jefferson's memorandum for the marquis de Barbé-Marbois in late January and again in February 1783. See *ibid.*, pp. 7–14; and Madison to Randolph, February 18, note 5, and February 25, 1783, note 5.

⁹ See Madison to Randolph, December 3, 1782, note 4.

¹⁰ For this important case concerning the application of British treason law in Virginia, see Madison, *Papers* (Hutchinson), 5:184n.3, 218–19nn.9–10, 384n.4.

Daniel Carroll to William Paca

Dear Sir

Pha. Decr. 31st. 1782.

Mr. Marbois calld yesterday with the enclosed. I was not at home but suppose it to be on public business & therefore inclose it under a Frank—if it should prove otherwise please to settle it with the post Office.¹

With great respect, &c I am yr Exys Mo Obt Sert,

Danl Carroll²

RC (MdAA: Red Books).

¹ In his January 3 response to Carroll, Paca explained that the marquis de Barbé-Marbois' letter was simply a cover for a packet from Matthew Ridley, who was Maryland's agent in France reporting "on Business of a public Nature, which he was commissioned to transact." See *Md. Archives*, 48:336.

² Carroll also wrote the following additional letter to Paca this date: "I have nothing of importance to communicate since my last. The Secretary for Foreign affairs informs me, that he sent a copy of Mr Oswalds Commission by last post."

"It would give me pleasure to hear that the letters from the Minister of France had got safe to hand & what I sent by last post." MdAA, Red Books, 4:119.

James Madison's Notes of Debates

Teusday Decr. 31. 1782.

The report of the Committee made in consequence of Mr. M's motion yesterday instructing the ministers plenipo. on the article of commerce,¹ passed unanimously as follows: "Resolved that the Ministers Pleniply for negotiating peace be instructed, in any commercial stipulations with G.B which may be comprehended in a Treaty of peace, to endeavor to obtain for the Citizens and inhabitants of the

U.S a direct Commerce to all parts of the British Dominions & possessions, in like manner as all parts of the U.S. may be opened to a direct Commerce of British subjects; or at least that such direct Commerce be extended to all parts of the British Dominions & possessions in Europe & the West Indies; and the said ministers are informed that this stipulation will be particularly expected by Congress, in case the Citizens & subjects of each party are to be admitted to an equality in matters of commerce with natives of the other party."

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 5:476.

¹ See *JCC*, 23:838; and Madison's Notes, December 30, note 7.

Virginia Delegates to Benjamin Harrison

Sr.

Phila. 31st Decr. 1782

Yesterdays Post brought us your Excellencys favor of the 21st¹—intelligence being received the last week that Virginia had repealed her Law imposing a duty of 5 Per Ct. on imported articles and prize goods in consequence of the recommendation of Congress on that subject, suspended the journey of a deputation of three Gentlemen from Congress to the State of R. Island to represent to their legislature the evil consequences to be apprehended from their continuing to withhold their assent to a measure so indispensibly necessary to general welfare, and which had met the approbation of the other States in the Union—We shall be happy to hear that such parts of our Letter² upon the subject as your Excellency was pleased to lay before the Assembly may be thought so far to deserve the attention of that honorable body as to produce a renewal of the Law in the latitude recommended by Congress, especially as the example of a repeal may be followed by other States, and that evil prevented by such a conduct in Virginia, if not good produced by it in a contrary direction, and will leave Congress at least in possession of the powerfull argument that the measure has been approved by the other States, to urge a compliance on the part of R. Island.

The French fleet and army sailed from Boston a few days ago. The Letters of Marque were forwarded and must have reached you before this. We have the honor to be

Yr. Excellencys most obed servts.

Jos. Jones

J Madison Jr.

RC (Vi: Continental Congress Papers). Written by Jones and signed by Jones and Madison. Madison, *Papers* (Hutchinson), 5:477–78.

¹ See *ibid.*, pp. 430–31.² That is, their letter of December 10, 1782.

Charles Thomson's Estimates for the Secretary's Office

[December ? 1782] ¹

Estimates of Articles wanted for the use of
the Secretary's Office for the year 1783.

20	Reams of writing paper say @ 4 dol[lars]	80
2000	Good Quills @ ab 3 d[ollars] per 100	60
1000	Large Wafers	13⅓
50	Boxes small Do.	33⅓
30	Papers Ink powder	6⅔
6	Pen knives	8
	Blank books the number of which cannot at present be ascertained	
6	lb best sealing Wax	30
		231⅓

Estimate of Monies wanted for the Year 1783.

To Cash for printing the Journal	453⅓ Dolls.
Do. for paying salaries of the Secretary } Depy secy & 3 Clerks for one year }	5,500.
Do. for Salary of 2 Chaplains to Congress	800.
Do. pay of Doorkeeper & Messenger to Do.	800.
Mr Fry's pay for attending the Office } making fires &c }	52.
Do. for Wood for the use of Congress & this } Office—40 Cord of Hickory at 6 Dolls }	240.
	7,845⅓
Brought down	231⅓
incidentals including the blank books above mentioned, carting & sawing wood &c	223⅓
	8,300

Cha Thomson.

MS (DNA: PCC, item 55). In the hand of deputy secretary George Bond, except for the last two lines and signature by Thomson.

¹ It is not known when Thomson prepared these estimates of the expenses of his office, but for an attempt to estimate the entire expense of the Continental government for 1783, ordered by Congress on February 18, 1783, pursuant to a motion by the Connecticut delegates, see PCC, item 12, fols. 49–53, 60–62; and JCC, 24:139–40.

Elias Boudinot to
Louis Le Bègue de Presle Duportail

Sir,

Philadelphia 1 January 1783.

I have the honor to inform you, that your letter of the 28th ult. was duly laid before Congress; and it gives me a particular pleasure (agreeably to their orders)¹ to testify their approbation of the reasons assigned for your detention in Europe beyond the time fixed in your Furlough.

It was with great satisfaction that Congress received the information of your safe arrival in America, where, they hope, that your renewed exertions in the common cause will be again crowned with success.

I have the honor to be, with great respect, Sir, your &c.

LB (DNA: PCC, item 16).

¹ No such order is found in the journals of Congress. The December 28 letter of Major General Duportail, chief of Continental engineers, is in PCC, item 164, fols. 358-60.

Elias Boudinot to the Comte de Rochambeau

Sir,

Philadelphia, 1st Jan. 1783.

Among the most agreeable duties of my office, the communicating the approbation of Congress to such worthy characters as are entitled, by their merit and services, to these Tokens of public Respect, is not the least.

Be assured, Sir, that the honor I now have to enclose your Excellency the warm and affectionate testimony of the United States in Congress Assembled, to the valour, discipline and good conduct of His Excellency The Count de Rochambeau and the Army under his command, gives me sensations of the most delicate nature, and I shall esteem it among the favorable circumstances of my administration to have the honor of this communication.¹

Permit me, in the most cordial manner, to wish your Excellency, and the worthy Officers who attend you, the most prosperous voyage, with a happy sight of your Country and Friends, and particularly the deserved approbation of your Royal Master.

I have the honor to be, with every sentiment of the profoundest respect & esteem, Your Excellency's &c. &c.

E. B.

LB (DNA: PCC, item 16).

¹ See *JCC*, 24:1-2.

Alexander Hamilton to George Clinton

Sir, Philadelphia Jany 1t. 1783.

As the Legislature will shortly meet I take the liberty to mention to Your Excellency, that it appears to me of Great Importance, they should take up the affair of Vermont on the idea of a *compromise* with Massachusetts and New Hampshire and propose to those States a meeting of Commissioners for that purpose. I have little hope that we shall ever be able to engage Congress to act with decision upon the matter or that our State will ever recover any part of the revolted territory but upon a plan that will interest the two States I have mentioned, or at least one of them. If you agree with Massachusetts and New Hampshire, or with one of them, the agreement will I think meet with support here.¹

A peace may shortly take place; this makes it of great importance to our pretensions that the affair should be speedily determined.

I have the honor to be yr. Excellencys Most Obed. & hm. Serv.

A. Hamilton

MS not found; reprinted from Walton, *Records of Vermont*, 3:288–89.

¹ For the belief that Congress would never be capable of bringing about an end to the Vermont controversy, see also New York Delegates to Clinton, December 9; and Hamilton to John Laurence, December 12, 1782.

James Madison's Notes of Debates

Wednesday Jany. 1st. 1783

The decision of the controversy between Cont. & Penna. was reported.¹

The communications, made from the Minister of France, concurred with other circumstances in effacing the impressions made by Mr. Jay's letter & Marbois's inclosed. The vote of thanks to Ct. Rochambeau passed with unanimity & cordiality & afforded a fresh proof that the resentment agst. France had greatly subsided.²

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:3.

¹ Charles Thomson entered this decision and report on the journals for January 3, for which see *JCC*, 24:6–32.

² The secretary for foreign affairs, Robert R. Livingston, had notified Congress on December 9 that the comte de Rochambeau was about to withdraw the French troops under his command to the West Indies, and the following day Congress directed Livingston "to report a Resolution expressive of the acknowledgments of Congress to his M[ost] C[hristian] M[ajesty] and to Ct de Rochambeau for the benefits the U S have recd. by the Army sent by his Majy to their aid." Livingston's report and draft resolution of thanks were adopted by Congress this day. See *JCC*, 24:1–2; PCC, item 79, 2:399–401; and Elias Boudinot to Rochambeau, this date.

Livingston had also reported to Congress on December 30 "the substance of a verbal communication" made to him by the French minister La Luzerne concerning peace negotiations in France, reaffirming that British efforts to entice France to a separate peace had been rebuffed; and the following day La Luzerne had reassured Congress that should negotiations falter France was prepared to continue carrying on the war "with vigor." Wharton, *Diplomatic Correspondence*, 6:177-82, 187-88. For the embarrassment caused by Jay's revelation of Marbois' opposition to U. S. claims to the Atlantic fisheries, see Madison's Notes, December 24, 1782.

James Madison to James Madison, Sr.

Hond Sir

Jany 1st. 1783

Mr. Fitzpatrick this moment called on me with notice of his having seen you and b[e]ing desired to let me know that you & the family were well. I had the pleasure of hearing the same by Mr. Jefferson who arrived here a few days ago. Mr. F. sets out so quickly that I have but barely time to tell you that I am well & to inclose you a bundle of Newspapers, from which you will be able [to] gather all the late news. The negociations for peace are said to be going on under the late Commission to Mr. Oswald which authorises him to treat with Commisrs. from the *13 United States*. Mr. Jefferson will depart in a little time, in order to give his aid in case it be in season. The insidiousness & instability of the B. cabinet forbid us to be sanguine, especially as the releif of Gibralter was posterior to Oswald's Commission, and the interests to be adjusted among the belligerent parties are extremely complicated.

I am with great affection yr. dutf. son,

J Madison Jr.

RC (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:4.

Samuel Osgood to Benjamin Lincoln

Dear General.

Philadelphia Jany. 1st. 1783.

I can only inform you that after much Labor, trouble & fatigue the Deputation set of for Rhode Island the Saturday after you left us; that they returned and will not probably go forward very soon;¹ the Reason is, Virginia has repealed her Act for an Impost. However I do not absolutely deny myself of the pleasing Hope of seeing you in Boston this Winter. I am entirely prepared for a Journey; that Preparation has cost me about two hundred Dollrs. The Purchase of a Horse, saddle & Briddle & some few Articles of Cloathing without which I could not do, you will readily conceive amounted to that Sum. It is a very unfortunate Affair to me & will either oblige me to dispose of my Share in the Bank, or to leave this Place soon. However I wish this not to be

mentioned. I recd. by this Weeks Post from the Secretary² an Account of the Amount of my Drafts & a Caution not to make them too frequent by Direction of the Council. I must confess it appears not a little extraordinary to me. It gives me Pain least you should meet with Difficulty, on Account of the Order I gave you. If this should be the Case, I wish you not to press the Board very hard if you can negotiate it in Boston for a short Time, & write to my Brother Isaac Osgood at Salem, I doubt not but he will be able pretty punctually to discharge it, I have by this Post requested him to do it;³ in Case you request it, & inform him when & where. I have inclosed you a Copy of the Secretary's Letter to me & my Answer thereto.⁴

I dont recollect that we have any foreign News of Importance since you left us which can be communicated, Tho I am at a Loss to know whereabouts we were in that Respect, at that Time. The Prospect of Peace is not less flattering—perhaps more—yet I should feel much happier to see the Treaties Signed—for I think there are many Considerations, if not on our Side, elsewhere, that may prevent a speedy Peace.

The Arrangement of Newhampshire, Rode Island and New Jersey Lines are postponed to the first of March next; & also three Regiments of Pennsylvania. But I think it is radically wrong; I am very sorry to differ with you in Opinion—But the Delegates of N Hampshire & Rhode Island declared in Congress, that their States would not comply—and I think that when they know that Masstts. & Connectt. are not call'd upon who are equally defect. in their Compliment as those two States; that they will not be at a very great partial Expence. However it is done.⁵ We have done another very wrong Thing for Baron Steuben. We have referred a Motion to the Financier to take Order for 2,400 Dollrs. in favr. of the Baron on Acct. of Pay. We have repealed all former Allowances of extra Pay, Subsistence, forage, Waggons &ca for himself & family, & ordered in Lieu thereof three hundred Dollrs. per Month.⁶ It is not right. However if the Army are content with it, Amen! The Committee of the Army arrived yesterday.⁷ Coll Brooks breakfasted with me this Morning. I can't now recollect all the wicked Things we have done since your Departure. Mr. Gorham has been confined for ten or twelve Days but is growing better. Mr. Lovell is now confined he has had a very disagreeable Turn of Fever & Ague &ca. One Day about Dusk he came down from his Chamber & seemed to be in a strange Condition; the Doctr. was present. Jack insisted upon it that his Legs were so big that he could not move them. His Hands, His Head, His Body were all so big that he could not possibly stir. The Doctr. Thot he was vapoury—felt of his Pulse; & did not find them bad—he bantered him, but to no Purpose; about half an Hour after, he was taken with a most violent fit—nobody was in the Room when he was first taken—they found him in the middle of the floor

perhaps in half a Minute after he was seized. Mr. Gorhams Boy & mine seized him to prevent his injuring himself—for he Jam'd his Head against the floor & kicked most violently. The two Boys were no match for him. The Neighbourhood & the Doctr were soon rallied. After he came out of it, he was very weak & remained so for three or four Days; he seems to be getting a little better now. I have not mentioned to him the Condition he was in.

It is now about two Hours since the New year commenced, therefore it is Time for me to bid you Adieu, S. Osgood

[P.S.] The Judges at Trenton have determined unanimously in favor of Pennsylvania. I have not had Time by this Post to write my Brother at Salem. If you meet with Difficulty on Account of the Draft—I shall be glad to know it as soon as may be for I can make Provision for the Payment thereof. I think you will Judge that I have wrote a very moderate & decent Letter to the Secry. It was not dictated by my feelings—because I apprehend they may think differently upon a State of Facts. If they do not I shall only return a Month or two sooner for it.

I wish you a happy, yes, a thousand happy New Years.

Jany. 8th. Greateon, Dayton & Putnam are Brigs General.⁸

RC (NN: Emmet Collection).

¹ See Osgood to John Lowell, December 25, 1782.

² That is, John Avery.

³ Not found.

⁴ Not found.

⁵ For this December 31 suspension of plans for consolidating several Continental regiments of New Hampshire, New Jersey, Pennsylvania, and Rhode Island, see *JCC*, 23:837; and John Taylor Gilman to Josiah Bartlett, January 9, 1783.

⁶ See *JCC*, 23:833–34.

⁷ See James Madison to Edmund Randolph, December 30, 1782, note 5.

⁸ See Elias Boudinot to Elias Dayton, January 7, 1783.

Oliver Wolcott to Oliver Wolcott, Jr.

Sir

Philadelpa. 1 Janry. 1783.

I wrote to you by the last Post.¹ Nothing Material has since occurred except that the Judgment of the Court Appointed to determine the Controversy between Connecticut and Pennsylvania has been read in Congress, by which they have unanimously decided that Connecticut has no Right to the Territory, nor Jurisdiction over the Country in Dispute. The Reasons for the Sentence are not assigned—and consequently the Judgment will not Apply as a Precedent in deciding Other Cases. I hope that Pennsylvania will quiet the Settlers under the Claim of Connecticut, and wish that a Stipulation of this Nature had been entered into previous to the Tryal.

Nothing Material has otherwise occurred since my last. We shall probably soon be better able to judge wheather G Britain seriously intends to settle a Peace—or wheather her Designs are insidious and delusive.²

As you pass the Post office dayly you will, there enquire every Post for any Letters of Mine.

France has remitted the Interest due from the States to her, prior if I remember Right to last July.

You will never suffer any Paragraphs in any of my Letters to be printed. Yours,
O Wolcott

RC (Ct: Oliver Wolcott, Jr., Papers).

¹ See Wolcott to Oliver Wolcott, Jr., December 25, 1782.

² Wolcott also wrote a similar letter this day to his wife Laura, an extract from which is in *Robert F. Batchelder Autographs Catalog*, no. 51 (May 1985), item 32.

And on the 9th he sent her the following brief family letter. "I wrote to Rhina yesterday by the Post, at which Time I did not know of Mr. Whitman's being about to Return. By Rhina's Letter of the 23 Ult. I learn that you have had a severe Turn of the Rhuma-sism. I fear that you expose your Health greatly by an attention to the Health of Juba—you will consider that your Own Life and Health is of infinitely more consequence than his. I wish that he might be provided for, but let it be done in a Manner consistent with your own Safety. I have not heard how he is since I left home, but if he continues as he was I think it perfectly consistent with your Duty to dispose of him in the best Manner you can for his Benifit. I have but a Moments Time to Write. May the Almighty bless you. I am well. yours, Oliver Wolcott." Oliver Wolcott, Sr., Papers, CtHi.

David Ramsay to John Eliot

Dear Sir,

January 2d 1783, Philada.

I am much obliged by your last kind letter of the first of December. You are right with respect to Dr. Warrens oration. I only have the one that was pronounced in 1775 which in my opinion is the best of the whole collection.¹ The account you give of Mr Austin is truly deplorable. What a pity that so bright a sun should set so soon & what is worse set under such a cloud.²

The evacuation of Charlestown is an event though much desired not yet authenticated. The last southern post brought some disagreeable accounts of Gen. Green being obliged to retreat but this also is not properly ascertained.

You ask my opinion on the subject of Dr Whites performance.³ I have not read it but they who have say that it puts ordination on a presbyterian footing. He is a candid catholic worthy man & most excellent citizen. I think it probable that his plan will be adopted & in that case our churches will only differ from theirs in the forms of worship.

Your speaker Mr Gorham has the esteem of Congress & is reckoned a man of abilities & integrity. He has mentioned nothing about Mr

Burgess.⁴ My private opinion is that he will gain nothing by applying to Congress. The inconsistency of so soon departing from their own resolution respecting British Subjects would hold them up to public view as a fickle unsteady body if they relaxed in favor of any individual however deserving. The present sense of many members is that the stronger evidence a British subject produces of his attachment to America the more fit he would be to be employed by the enemy. I know nothing of that Gentlemans character; but let it be ever so good I do not believe that Congress would break through their late resolution for his sake. If peace should be established British subjects will have the same liberties of coming to America that other Europeans have. They among them who are our freinds must not take it amiss that we cannot embrace them before that period. My private sentiment is that there are many freinds to America absolutely considered in G. Britain but, I suspect the freindship of all of them to America independent and allied to France. The last I consider as the anchor of the former & would do nothing that would in the most remote manner hurt it.

The papers will inform you that negociations are going on, that a new commission is made out empowering Mr Oswald to treat with the *States of America*. Lord Shelburne is so double a character that I suspect his sincerity in all this. God grant I may be mistaken. With the greatest esteem & regard, I am your real freind & very humble servt,

David Ramsay

RC (MHi: Andrew-Eliot Papers).

¹ See Ramsay to Eliot, July 17, 1782, note 2.

² Jonathan Williams Austin, the author of one of the orations in the "collection" under discussion, had died in 1779, but Ramsay's lament is probably a reference to Austin's dishonorable discharge from the Continental Army in 1776 after pleading drunkenness in mitigation of a court-martial charge, and failure to gain reinstatement because of uncertainty over his sobriety. See Shipton, *Harvard Graduates*, 17:120-22.

³ A reference to *The Case of the Episcopal Churches in the United States Considered* (Philadelphia: David C. Claypoole, 1782), by the Rev. William White (1748-1836). Evans, *Am. Bibliography*, no. 17,802.

⁴ For William Burgess' naturalization petition to the Massachusetts General Court, see Arthur Lee to Samuel Adams, January 29, 1783, note 3.

James Madison's Notes of Debates

Friday 3d. Jany. [1783] ¹

The vote of thanks to the Minister of France which passed yesterday was repealed in consequence of his havg expressed to the President a desire that no notice might be taken of his conduct as to the point in question & of the latter's communicating the same to Congress.² The

temper of Congress here again manifested the transient nature of their irritation agst. France.

The motion of Mr. Howel put on the Secret Journal gave Congress a great deal of vexation. This expedient for baffling his scheme of raising a ferment in his state & exposing the foreign transactions was adopted only in the last resort; it being questioned by some whether the articles of confederation warranted it.³

The answer to the note of the French Minister passed unanimously & was a further testimony of the abatement of the effects of Mr. Jay's letter &c.

The proceedings of the Ct. in the dispute between Cont. & Pa. were after debates as to the meaning of the confederation in directing such proceeding to be lodged above⁴ the acts of Congress entered at large on the Journals.⁵ It was remarked that the Delegates from Cont. particularly Mr. Dyer were more captious on the occasion than was consistent with a perfect acquiescence in the decree.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:6.

¹ Immediately preceding this entry Madison wrote "Thursday Jany 2d. Nothing requiring notice."

² For the resolve to thank the chevalier de La Luzerne for "informing Congress that a naval force would be detached from the West Indies for the protection of our trade," see *JCC*, 24:3.

³ The Rhode Island delegates had been attempting to secure extracts from various letters from Europe reporting optimistically on American credit abroad, thus vindicating their opposition to the impost amendment. After acrimonious debate this day the matter was postponed and "committed" by the vote of 9 to 1. Madison was apparently troubled that Congress also then adopted a motion to have the proceedings of this debate recorded only on the secret journals, thereby infringing article IX of the Articles of Confederation guaranteeing that Congress would "publish the Journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations, as in their judgment require secrecy; . . . and the delegates of a state, or any of them, at his or their request shall be furnished with a transcript of the said Journal, except such parts as are above excepted, to lay before the legislatures of the several states." See *JCC*, 19:220–21, 23:832–33, 837, 24:32–36. See also David Howell's letters to John Carter of January 6; and Jonathan Arnold to Howell, March 8, 1783, note 1.

⁴ Madison later wrote "among" above the line and lined out "above."

⁵ Article IX of the Articles of Confederation also provided that "the judgment or sentence and other proceedings . . . [in controversies between states, would be] transmitted to congress, and lodged among the acts of congress for the security of the parties concerned." See *JCC*, 19:218, 24:6–32.

Elias Boudinot to William Livingston

Dr. Sir

Philadelphia Jany. 4th 1783

I do myself the honor to enclose a Letter to your Excellency at the Request of the Honorable Mr. Jefferson,¹ who goes in a few Days for Europe.

This Afternoon, I recd. a Letter from a Gentl. of Veracity at Newbern No Carolina, informing of the falling down of 300 Sail of Transports from Charles Town to five fathom Hole, with the Gamier after destroying all the Military Works about the Town. That it was expected they would be all gone by the 14th Ultimo.

I am with great Regard, Your Excellency's Most Obedt Humble Servt
Elias Boudinot

RC (MHi: Livingston Papers).

¹ Thomas Jefferson's January 3 letter to Livingston, offering to carry letters to Europe for Mr. and Mrs. John Jay, Livingston's son-in-law and daughter, is in Jefferson, *Papers* (Boyd), 6:218.

John Rutledge to Abner Nash

Dr. Sir, January 4, 1783

I send, inclosed, a draught of a Report respecting the Valuation of Land in the several States, similar to what the Committee agreed to— & request, that you & Mr Madison wd. be pleased to peruse it, & suggest any Addition or Alteration that may occur as Necessary or proper, so that We may present a Report, on Monday or Tuesday next.¹ I also send the English Land-Tax-Act,² as you may, perhaps, incline to read it; but, I do not see, that any Thing from that Law can be incorporated into the Resolve, tho', it may suggest Hints to the respective Legislatures, for framing the Laws to be required of them. I am Sir, yr. most obedt Servt,
J. Rutledge

RC (DNA: PCC, item 24).

¹ For the enclosed report, which was delivered January 6, debated the 9th and referred to a grand committee the 13th, see PCC, item 24, fols. 71–74; and JCC, 24:112–14. See also James Madison's Notes of Debates, November 20, 1782, note 6, and January 9–10, 1783.

² The Land Tax Act had been passed annually since 1698 and specified a fixed proportion (quota) for each division into which the whole country was divided, which was "levied by assessing the personalty and salaries in each separate parish or district at 4s. in the pound, and by assessing the land by an equal pound rate, so that the joint produce would make up the fixed proportion for the division." *Halsbury's Laws of England*. 3d ed. 43 vols. (London: Butterworths, 1958–), 23:371–72.

John Collins to Nathanael Greene

Dear Sir Philadelphia, January 5. 1783

I Was at your Brothers in Potawom¹ the begin[ing] of last month and Can inform you they are all well, I make no doubt you have heard of the alteration that has happened in their familys, that is your Moth-

ers marriage, and the death of your Brothers wives. I have once more taken a Seat in Congress, it is probale in the Spring when my delegation, is eanded I may proceed as far as Charles Town & Georgey. I have some affairs to Settle with Messrs. Miller and Codington Sunbery in Georgey.

I have their Bond for upwards of five hundred pound Sterling and a protested bill for one hundred & twenty which have been Standing upwards of Seven years, if you by any means Should hear or know Any thing of these Gentlemens Situation an information from you would be kindly Acknowledgd.

I am doubtfull they And their Estates may be in the hands of Government.

I am Sir with great Regard, your Humbl Servt. John Collins

RC (NjMoHP: Lloyd W. Smith Collection).

¹ Greene's brothers Christopher and Elihue had inherited the iron works and mills at Potowomut in Warwick, R.I. Greene, *Papers* (Showman), 4:136–38, 374n.3.

Samuel Wharton to John Cook

Sir,

Philadelphia 5th January 1783

As the honorable House of Assembly has not yet determined, whether They will increase the present Number of Men in the Delaware Regiment, or how far They will do it, Their Delegates would wish to be informed of the Honorable Council and Assembly's Sentiments upon this Head, In Order, That if They approve it, your Delegates may move Congress to suspend the Resolution of the 7th of August, and obtain One similar to that of the 31st of last Month; which I have transcribed below.¹ With great Respect, I am Sir, your Honour's most Obedient and faithful Servt. Saml. Wharton

RC (De-Ar: Executive Papers). Addressed: "The honorable John Cooke Esqr. Vice president of the State of Delaware, Dover. By Capt. Moore." "This was intended by Captain Moore. SW."

¹ Wharton added the following resolution below his signature: "In Congress. Tuesday Decr. 31 1782. Resolved, That the Resolutions of the 7th of August last, so far as relates to the Lines of New Hampshire, Rhode-Island and New Jersey be suspended until the first Day of March next, and also as to Pennsylvania Line, so far as to retain in Service only the Officers necessary to the compleating of three Regiments."

Elias Boudinot to Lewis Pintard

My dear Sir

Philadelphia Jany 6th. 1783

Your Congratulations were recd as every thing that comes from you

constantly is, with great Pleasure. Your Letter to Mr Morris is delivered,¹ and I think you had best begin the Business as soon as possible, otherwise you may be blamed for the delay; but when you have proceeded part of the way, if you find that no Satisfaction can be given or that the desireable Event takes Place, you can with more propriety resign—but only manage it so, that you can allways finish the Business you have begun in a short time; this must be by dividing the Country into districts or neighbourhoods & finishing one before you begin another. As to the Prices of Things &ca it was designed you should be sole Judge of them. Your being unacquainted with them will not prevent this, as you must Judge from Evidence, but as a remedy, I would call two of the Judges of the County allways to my Assistance, who I dare say would gladly attend you now & then—and when they had generally agreed on the Prices of Things for the different Years in the County, they would not be again wanted. Say nothing to Mr. R about your design.

We have such News of the Evacuation of Charles Town that I give great Credit to. By two Letters I have from Eliz Town part of the Garrison arrived at New York on the 3d Instt.

Since my last, have recd. two Pacquets from Madeira via St. Thomas's, broke open as you see them enclosed.

Have wrote via Teneriffe, which I hope will meet a speedy Passage. Must beg you to send me a few more Melon Seed, as I mean to let them out to the Slaves. Be so good per first Opportunity to send our two Card Racks if you can find them. If there should turn up any Thing new before Wednesday I will add it.

Our kind Love to the Madam, Johnny &ca remember me to my worthy old Friend Coll Ludlow. Do let him have a Paper now & then & tell him that I remember him with Pleasure. Do not forget my Complmt. to Mr Livingston & family—Mr. Dennis—& the Gentn. at Morris Town.

I am my Dr Sir, Your's Afftly.

Elias Boudinot

[P.S.] Janry 7th. We have recd this Evening a full acct of the Evacuation of Charles Town & the Possession being taken by Genl Wayne—on which I congratulate you & hope it is a prelude to that of NY. I paid a few days since 270 Dollars to Mr. Robertson in your Name, being monies belonging to Mr C's Children—please to credit me with it.

RC (PHi: Gratz Collection).

¹ Pintard's letter has not been found, but Robert Morris' January 10 response to it is in Morris, *Papers* (Ferguson), 7:289.

David Howell to John Carter?

[January 6, 1783] ¹

As every Thing relating to Finance so essentially concerns all Ranks of People, I have sent you the following Extracts of Letters from Gentlemen in public Characters in Europe, to others in like Characters in this City, and which have been read in Congress. Extract of a Letter from Mr. Adams, dated Hague, July 5, 1782.²

"Although I was obliged to engage with them for Five Millions of Guilders, I do not expect we shall obtain that Sum for a long Time. If we get a Million and a Half by Christmas, it will be more than I expect." Extract of a Letter from another Gentleman, dated Paris, October 25, 1782.³ "In a Letter from Mr. Adams to me, dated Hague, September 29, I had the following Intelligence: 'Amidst the innumerable Crowd of Loans which are opened in this Country, many of which have little Success, I was afraid that ours would have failed. I have however the Pleasure to inform you, that I am at least One Million and an Half in Cash (about Three Millions of Livres) which will be an Aid to the Operations of our Finances.' From this it appears that Mr. Adams has well employed his Time in Holland; and I beg you will please to communicate this Extract to Mr. Morris." By these two Extracts of Letters from Mr. Adams, it appears that the Loan he is negotiating in Holland had not failed, but on the contrary that it had filled faster than he had expected; the same Loan having been obtained by him on the 29th of September, which he had not expected by Christmas.

Reprinted from the *Providence Gazette*, January 25, 1783.

¹ This letter was printed by John Carter, publisher of the *Providence Gazette*, under the heading: "Extract of a Letter from a Gentleman in Philadelphia to his Friend in this Town, dated Jan. 6." Its recipient has been conjectured from the fact that a letter from Howell to Carter of somewhat similar import was published with the same heading in the November 2, 1782, issue of the *Gazette*, for which see Howell to Carter, October 16, 1782, note 1. For the context of Howell's efforts to publicize the John Adams letters extracted in this document, see Jonathan Arnold to William Greene, December 18; and James Madison's Notes of Debates, December 6, 12, and 18, 1782.

² For this extract from John Adams' letter to Robert R. Livingston, see PCC, item 84, 4:95; and Wharton, *Diplomatic Correspondence*, 5:594.

³ This letter from the marquis de Lafayette has not been found, but for the September 29 letter to him from John Adams mentioned in the next sentence, see Lafayette, *Papiers* (Idzerda), 5:59–60.

David Howell to John Carter?

[January 6, 1783]

In order that the People at large may be enabled to form a proper idea of their Reputation and Credit abroad, I have thought proper to

send you the following Extracts of Letters from Dr. Franklin, which have been read in Congress.¹

Passy, Sept. 3, 1782. It affords me much Satisfaction to find the Conduct of Congress approved by all that hear or speak of it, and to see all the Marks of a constantly growing Regard for us, and Confidence in us, among those in whom such Sentiments are most to be desired.²

Passy, August 12, 1782. All Ranks of this Nation appear to be in Good-Humour with us, and our Reputation rises throughout Europe.³

Passy, August 12, 1782. (To the Superintendent of Finance). Your Conduct, Activity and Address, as Financier, and Provider for the public Exigencies of the States, is much admired and praised here, its good Consequences being so evident, particularly with Regard to the rising Credit of our Country, and the Value of Bills.⁴

Passy, April 8, 1782. Our public Affairs go on swimmingly in Holland.⁵

Although the Letters from which these Extracts are taken were not read in Congress till the 27th of December last, they truly represent our Affairs at the Time of their respective Dates; and ought to prevent us from being terrified into Measures of Extremity, from a groundless Apprehension that our foreign Affairs are in a ruinous Condition.⁶

Reprinted from the *Providence Gazette*, February 1, 1783.

¹ For the circumstances surrounding Howell's efforts to make public the Benjamin Franklin letters extracted in this document, see the preceding entry.

² For this letter from Franklin to Robert R. Livingston, see PCC, item 82, 2:212; and Wharton, *Diplomatic Correspondence*, 5:682.

³ This letter was also directed to Secretary Livingston. PCC, item 82, 2:205; and *ibid.*, p. 655.

⁴ See Morris, *Papers* (Ferguson), 6:171.

⁵ *Ibid.*, 4:548.

⁶ For the motion Howell offered on December 27 to direct the secretary for foreign affairs to transmit the first and second of the above Franklin extracts to the governor of Rhode Island, see *JCC*, 23:832-33.

James Madison's Notes of Debates

Monday Jany. 6th. [1783] ¹

The Memorial from the army was laid before Congress and referred to a grand Committee.² This reference was intended as a mark of the important light in which the memorial was viewed.

Mr. Berkley³ having represented some inconveniencies incident to the plan of a Consular Convention between France & U. S., particularly the restriction of Consuls from trading, & his letter having been committed, a report was made proposing that the Convention should for the present be suspended. To this it had been objected that as the convention might already be concluded such a step was improper;

and as the end might be obtained by authorising the Minister at Versailles to propose particular alterations that it was unnecessary. By Mr. M[adison] it had been moved that the report should be postponed to make place for the consideration of an instruction & authority to the sd. Minister for that purpose; and this motion had in consequence been brought before Congress.⁴ On this day the business was revived. The sentiments of the members were various, some wishing to suspend such part of the convention only as excluded Consuls from commerce; others thought this exclusion too important to be even suspended; others again thought the whole ought to be suspended during the War; & others lastly contending that the whole ought to be new modelled; the Consuls having too many privileges in some respects, & too little power in others. It was observable that this diversity of opinions prevailed chiefly among the members who had come in since the Convention had been passed in Congress; the members originally present adhering to the views which then governed them.⁵ The subject was finally postponed; 8 States only being represented & 9 being requisite for such a question. Even to have suspended the convention after it had been proposed to the Court of France & possibly acceded to would have been indecent and dishonorable; and at a juncture when G. B. was courting a commercial intimacy, to the probable uneasiness of France, of very mischevous tendency. But experience constantly teaches that new members of a public body do not feel the necessary respect or responsibility for the acts of their predecessors, and that a change of members & of *circumstances* often proves fatal to consistency and stability of public measures. Some conversation in private by the old members with the most judicious of the new in this instance has abated the fondness of the latter for innovations, and it is even problematical whether they will be again urged.

In the evening of this day the grand Committee met and agreed to meet again the succeeding evening for the purpose of a conference with the Superintendt. of Finance.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:15–16.

¹ Secretary Charles Thomson made no entry in the journals of Congress this day.

² That is, the "December 1782" memorial presented by Gen. Alexander McDougall, Col. Matthias Ogden, and Lt. Col. John Brooks, a deputation from the Continental Army cantonnated at Newburgh, N.Y. It was endorsed by Secretary Thomson: "Address & petition from the Officers of the Army, Jan'y 6. 1783. Mr White, Mr Osgood, Mr Arnold, Mr Wolcott, Mr Hamilton, Mr Condict, Mr Peters, Mr Dickinson, Mr Carroll, Mr Madison, Mr Nash, Mr Rutledge. To meet this afternoon at 6 o'Clock." PCC, item 12, 6:61–64.

For the deputation's arrival in Philadelphia and December 31 meeting with the superintendent of finance, see Morris, *Papers* (Ferguson), 7:247–50.

³ That is, Thomas Barclay, the United States consul in France.

⁴ For Madison's January 2 motion, which was actually a proposed substitute for, rather than a modification of, the committee's recommendation on Barclay's proposals, see Madison, *Papers* (Hutchinson), 6:5; and JCC, 24:3–4.

⁵ For the consular convention adopted January 25, 1782, see JCC, 22:46–54.

Samuel Osgood to John Lowell

Dear Sir.

Philadelphia Jany. 6th. 1783

I have not had either Opportunity or a Subject on which to write you of late. In my last¹ informed you that I expected to have been in Boston this Winter. It is now a Matter of Uncertainty. After Genl. Mifflin, Mr. Nash & myself had left Philadelphia & rode about Eight or Ten Miles, Mr. Nash accidentally mentioned that he had seen a private Letter before he left the City informing that Virginia had repealed their Impost Law. We immediately enquired thro whom the Information came & found the Channel to be so good that there could remain but little Doubt as to the Fact. This convinced us all that it was in vain to go to Rhode Island till the Matter was fully ascertained. We returned rather chagrined & informed Congress of the Reason who were entirely ignorant of the Matter except three or four Members. That Body approved of our Conduct, & in about two Hours after the southern Post arrived & confirmed the Intelligence. This has at present put an End to the Deputation's proceeding. Mr. Morris differs from us in Opinion. He thinks we ought to have gone forward. But Congress seem to be unanimous that it is best, at least to postpone it for the present.

I am extremely distress'd with the embarrassed Situation of Congress. They must finally be borne down. It is impossible for them to hold their Station if the War continues unless they are furnished with more ample & liberal Means to carry it on. Extremes frequently produce their opposites too much or too little Power in Congress are both ineligible. You know their Powers as to the great national Objects under their Direction. However it may not be amiss to suggest the probable Consequences which may take Place from the present weak & debilitated Constitution of the united States & the almost entire Loss of Confidence in Congress in a great Measure arising therefrom. Many of the Systems with the Tromperry of paper Money are all done away by Congress. Their late Systems have operated well. The Arrangements are prudent & lessen inconceivably the Expences of the united States. Congress have much to say for themselves on this Head within the last Eighteen Months. But if they cannot by prudent Management obtain the Confidence of the People & the several Legislatures. If they will not Join heartily in supporting Congress, Disunion & Dissolution can scarcely be avoided. This Event however some may think of it lightly is a very serious Matter & must be pregnant with infinite Mischief; how far European Powers may become interested in the Scene is impossible to divine. But I think the probable Danger is much against us. We begin to open to a new Scene of Politicks a british Interest is strongly suspected even among those who are zealous for the Independence of these States. It is foreseen that at the close of

the War a strong french & british Interest will become exceeding manifest. The french Court undoubtedly expect & intend to claim as much Merit as Decency will allow of for their Aids & Assistance. We surely ought as a sensible & generous People to acknowledge fully the important & beneficial Consequences of those Aids. But as a People conscious of our own sovereign Rights & as brave as generous, we ought never to fetter ourselves with an unnecessary Byass towards any Power on Earth. We ought to think & act as an independent People. But this I fear is not possible. If we may not charge many in important Stations with the most humiliating Servility—We may at least say that if their Conduct is the Result of Deliberation, if it is a fair Index of their Intentions, it does not wear the Appearance of an independent Mind. None but an F——n² can be blind to the Politicks of the Court of V——s either his Understanding or his Heart must be impeached unless we suppose all our other M——s destitute of Sagacity & Goodness of Intentions—for they have all fallen into the same Channel of thinking & have viewed Things in a very different Light from that M——r. This Mr. Jay informs us plainly is the Case with him & the D——r. And if he perseveres in his independent Way of thinking, it will not be long before Suspicions Insinuations, & Party Interest will lessen his Importance there. But these are very secret Matters & Honor forbids my mentioning several Things that have a strange Aspect. Two powerful Interests opposed to each other which may be the Case & a Dissolution of our Union will probably be Sources of as many Calamities as the present War. I think it is for our Interest to be united notwithstanding some States may & will finally bear a very unequal Part of the present Contest. But they will not wish to seek for a Remedy which would encrease the Injury. Their alternative must be to choose the least Evil; and of all temporal Evils War is among the greatest. Our national Debt is about thirty Millions of Dollars—near Twenty five Millions of which is due to the Inhabitants of the united States. Seventeen Millions & probably a little more, are upon Interest—so that Twelve hundred thousand Dollars is a Computation low enough for the annual Interest. That Sum Congress have required for the sole Purpose of discharging the Interest to March 1783—can you point out in what Way Congress can do Justice to their Creditors & obtain about 6,000,000 of Dollrs. for the Support of their Army & the civil List. I do not think our national Debt together with the Debts of the several States so enormous that the Abilities of the united States equally exerted are not or rather will not be fully competent to the Discharge thereof. But I fear that the national Debt never will be discharged upon the Principles of the Confederation unless Peace makes a much greater Alteration in some of the States than I have any Reason to expect. That they will assume a new Face soon after the Close of the War cannot be doubted But that they will be heartily & Jointly dis-

posed to comply with the Requisitions of Congress a future Day will alone determine. No rational Man can suppose that during the War the united States can raise seven Million & a half of Dollars annually (which is the Amount of the Estimates upon the lowest possible Calculation) in the common Way of Taxation. Some other more energetic & productive Plan must be adopted or the æconomical Plans of Congress must fail in the Execution. And if they should fail before Peace is established the Consequences are very much to be dreaded.

Peace may or may not be made this Winter says Mr. J—— in a Letter of the 13th of last October.³ But the Brittish Commission to Mr. Oswald to treat with the Commissioners of the thirteen united States of America viz. Newhampshire & so on—appears to me to have in some Measure closed the Dispute with Respect to our Independence: & several agree with me in Opinion that this being no longer a Question to be solved by the Sword the Court of St. James will be in Haste for a Peace. That they are seriously and anxiously disposed for such an Event appears from good Authority. And Should they be wise enough to make a very liberal Peace with us & cede all their Rights to our extensive Claims to Territory & grant us the same Priviledges in the Fisheries which we formerly enjoyed & also a Freedom of Trade in their Ports to be reciprocal—should they be governed by such truly wise & political Principles for themselves of which there is much Reason to suppose they are more sensibly impressed than they have ever before been. What will clogg the Wheels of Peace—surely America looks with the utmost Anxiety for that happy Event. Heaven forbid that it should be otherwise than happy. It is natural to suppose that if great Britain acknowledges our Independence, she will make Peace with us upon such liberal Terms as to obliterate as much as possible a Remembrance of past Injuries. But is this a Conduct in them to be wish'd for by, & that will be pleasing to every European Power? It is a political Question & there may be many political Manœuvres before it can be fully answered. The more contracted & limited Congress find their Powers as to the very important Objects that fall under their general Direction in a Time of War, the more dependent that Body is made, the more servile & obedient will they become to foreign Influence. How can it be otherwise? If we cannot carry on the War ourselves, it matters not whether it is owing to the Inability of the People, or to the Weakness of our Constitution—either of them will oblige Congress to have recourse to similar Measures. They must to their own Humiliation solicit foreign Aid in either Case And I am fully convinced that Congress have been really necessitated to sollicit Aids in the most humble Terms more from a Want of Energy in their own Constitution than from the real Inability of the People. We have reason to beleive that the “ultimately to govern” &c. originated in Part from this Cause. The States to the southward of this saw plainly their

Danger. They were perswaded that the Power of the Union was at that Time insufficient for their Protection. They deprecated a Submission to Great Britain & to avoid it saw no other Way but by courting foreign Aid at the dear Expence of their own Honor & Dignity. This burning of Incense at a strange Alter is political Blasphemy against the Sovereignty of America. But this is the Course of human Nature when we see our Danger & are unable to help ourselves we generally apply for Assistance. And thus a Congress without Power may be the Escorial⁴ of American Dignity. The above Reasons have lately been urged in Justification of passing that base, servile Clause. The Servility ought to be had in the greatest Detestation even if it was not possible for us to receive any Injury by it. But however in this particular Instance, the above Reasons are ostensible at this Time. I don't recollect that they were urged with much Warmth. Genl. Ward may recollect better the general Course of the Business, it pass'd in about two Days after I entered Congress. I think the true was this, & always shall be in the Opinion Mr. Adams was sole Commissioner for Peace. The Count de V——s⁵ found him by no Means a pliable Man. There had been a Warm Dispute between him & Mr. Adams & the Count had declared to Mr. Adams that he would never write to him again—this I take to be the true Reason & the others such as the Weakness of the southern Governments & the extremely embarrassed Situation of our Finances are now very plausible Excuses. They were at that Time both true. But it may be remarked that we have not received any Consideration for the Surrender. Mr. Laurens had finished his Negotiation long before & we have received no Subsidy or Loan, since what he obtained. The Count de Grasse was ordered to the Chesapeak before that could reach France & you are a Judge of the Rest.

The Powers of Congress as to internal Government are very limited but as to external Matters such as Treaties and Alliances they are very extensive. The first being found by Experiment incompetent the last will be resorted to. And in this Way the United States may laid prostrate at the Foot of a foreign Power either from pretended Necessity or political Intrigue. If it had been possible to have given more of the one & less of the other our Honor might have been preserved more inviolate.

I wish there may never be an Occasion for another War after this has terminated. But I think we ought to get thro this as honorably as we can, by endeavoring to establish such Systems for discharging the Debts that have necessarily accrued as to leave finally our Honor & Honesty unimpeach'd. It is in vain to trifle & piddle about the Matter. If Congress cannot discharge they must not contract Debts—they must not obtain any foreign Loans. They must not hold out any longer vain & delusory Promises to the Army. It is impossible for them to exist with only one or two Months Pay in two Years.

The Deputation from the Army is here consisting of Genl. McDougal, Colo. Ogden & Colo. Brooks. I have had much Conversation with our Colonel.⁶ Genl. McDougal & he made a long Evening with Mr. Gorham and myself. Two of the Principal Matters they have in Charge were pretty largely discuss'd, which were relative to the Arrears of Pay due & the half Pay. I think upon the whole of their Conversation that with Regard to the first they are content to have their Accounts settled by Congress: but that they will positively require better Security for the Payment of the Principal & Interest than Congress can possibly give. They otherwise will not take the Securities. Can an honest Man blame them for it? Specie Certificates of the United States I am informed are sold here by Brokers at Discount of five sixths. The Pay due to the Army amounts to between four or five Millions of Dollars—should that Sum in Certificates be added to what is already in the Hands of Individuals without any Funds to discharge it, the Discount must encrease rapidly, so that the Receivers, or at least a great Number of them would be about as well of without, as with them. The Security will be a Point on which they will be clear and determined—& there can be no reasonable Objection against it. The other Point relative to half Pay is a very tender Matter with them. We agreed that as they were empowered to make a Compromise with Congress the Matter had better be taken up in this Line than to refer it to the States. I prefer it for this plain Reason, that if any State has more than it's Proportion of Officers there will be no Injury arising to such State on that Account. I have lately found that several States are so fully convinced that they have more than a due Proportion that they would by no Means vote for a Reference unless Provision is made to Remedy the Injury.

It is probable that Congress may be a little more generous & perhaps ought to be more so than some of the States would be; I am very sincerely disposed to do Justice to those Officers who have borne a great variety of severe Tryals. It would be the Heighth of Ingratitude to forget them at the Close of the War. However some of the Sentiments I advanced in a former Letter have Reason for their Foundation.⁷ Indeed Colo. Brooks has confess'd it with Respect to the Officers who retired in 1780. But He says the Promise must be adhered to now whether founded in Reason or not. Twelve States were present in Congress when the Promise was made to those retiring Officers. Six States were in Favor of it—five against it—& one divided. This was certainly incomplete as to the Object of it because the Appropriation of the Money must be made annually And it is a Question how far Moral Obligation requires that any of those States should alter their Sentiments when a Vote for Appropriation is taken. New Jersey have instructed their Delegates not to consent. But the Want of Validity in the Promise has never been started in Congress & I apprehend it

never will be. It has been effectually tried in this Way, When the last Requisition for 1783 was made the half Pay for the above retired Officers was inserted in the Estimate—but it was impossible after various Manœuvres to obtain nine States to vote in Favor of it. I think it was very Right for Massachusetts not to meddle with the half Pay. I wish it might be settled in a continental Way so as to give general Satisfaction. But I fear this cannot be done. If we attempt & do not succeed, we must then endeavor to have a Reference made. I have enclosed you a Copy of their Address & Petition which is not so brilliant as some of theirs which I have seen. What the Result will be I cannot tell.

I will drop the above Subject to give you a short History of the Conduct of Mr. Howell who by his late Conduct has put Congress or rather many of the Members into an ill Humor with him. An Extract of a Letter was inserted in Edes's Paper under the Providence Head dated the 2d of Novr. said to be wrote from a Gentleman in Philadelpa. &ca.⁸ That Extract it was apparent must have been wrote by a Member of Congress or some of their confidential Servants. Indeed no Body doubted who the Author was. It contained a very unjust & unfair Representation of Facts relative to foreign Loans & was levelled particularly against the States passing the Impost. It also contained a Matter which Congress had enjoined to be kept Secret being specially requested so to do, which was that of a nothern Power proposing to be allied with the united States. The Misrepresentation of Facts & the divulging a Secret were thot of sufficient Importance to have a Committee appointed to Report what was necessary to be done therein. The Committee reported that the Extract of the Letter contained a Misrepresentation of Facts which was highly derogatory to the Honor of the United States & greatly injurious to their Finances &ca. And that the Secretary for foreign Affairs be directed to write to the Executive of Rhode Island to investigate the Author in Order for farther Proceedings &ca. This passed there being but six States in Congress then besides Rhode Island the Vote of that State was necessary to make it valid. Mr. Howell made no Objection to it & thereby condemned himself. The next Morning after he thot proper to declare in his Place that he was the Author of the Extract & vindicated the Sentiments it contained—A Motion was immediately made that the Secretary for foreign Affairs be directed not to write to the Executive of Rhode Island &ca Mr. Howell a Delegate in Congress from sd. State having acknowledged &ca. This would have brot his Name upon the Journals which he & his Colleague opposed very warmly & others as warmly insisted upon it—some endeavored to compromise the Matter by only inserting Information having been received &ca. This Debate finished the Day without any Decision. In this State it lay two or three Days when Mr. H—— call'd for it who had prepared a long Protest against Congress as a Preamble to a Motion in Order to bring

it upon the Journals of Congress by the Yeas & Nays—after the original Motion was read he moved to postpone it in Order to introduce his Motion which he read in his Place. It is undoubtedly the most extraordinary Piece that has ever appeared upon the Journals (I have enclosed you a Copy) ⁹ & probably excited some Indignation—had he not read that Paper, I think it was the apparent Disposition of Congress not to have entered his Name on the Journals. But this disappeared at once—little was said on the Motion excepting that his greatest Enemy could not be more gratified nor wish for a greater Advantage over him than by having that inserted on the Journals. The Yeas & Nays were called & Mr. H—— figures away at large upon the Journals. His Aim has been to make it appear that Congress have persecuted him & they have aim'd at having nothing to do with him. The Secretary is simply directed to furnish the Executive of Rhode Island with an account of our foreign Applications for Loans & the Success they have met with in Order that the Truth may appear. After Congress gave this Direction to the Secretary for foreign Affairs Mr. H—— notwithstanding he is releived has thot it necessary to continue here to collect Materials for his Justification. He has been very troublesome & taken up much of the Time of Congress in endeavoring to obtain a great Number of detached Passages & Extracts from the Letters of our foreign Ministers. He asserted in the Extract published that the Credit of the united States is daily encreasing in Europe & that Congress have fail'd in no late Application for Loans. The last is not true for Congress have not from first to last succeeded completely in any Application whatever.

To Support the first Part, he requests an Extract from a Letter of Doctr. Franklin's ¹⁰ which was received four or five Weeks after Mr. H——'s Letter was published. The Doctr. mentions the Satisfaction that the public Rejoicings here, for the Birth of the Dauphin gave to his most Christian Majesty, & also that the Conduct of Congress & several of the States in declaring their Sentiments with Regard to any Overtures for Peace which should not be perfectly consistent with the Alliance, were highly approved of. And then observes that the Reputation of Congress is rising throughout Europe; or something to this Effect. But it is evident from his Letter that he does not speak of that particular Kind of Credit which will enable Congress to procure Loans. But their Firmness & the Probability of their final Success makes them of more Consideration than they have heretofore been. This may be true; and Congress may not be able to procure a single Dollr. in Europe on Loan other wise than from the royal Treasury of France which is altogether a political Matter, & as far as may appear to be absolutely necessary will be afforded us whether we can discharge the Debt or not. But we are told by Doctr. Franklin & the Count de V——s that we must not expect any more pecuniary Aid from that

Court. It is true that by the last Letters from Mr. Adams¹¹ he had obtain'd from Individuals about £80,000 Sterlg. The Interest of which commenced many Months ago as also for about £100,000 Sterg more the Interest of which Sums yearly must be paid with Punctuality or our Credit in Europe with Individuals will sink entirely instead of rising. How this can be done without appropriating a Part of the Capital for that Purpose I know not. That we have fail'd in no late Application for Loans is a wicked Misrepresentation. It is calculated to give an exceeding bad Opinion of Congress to all their suffering Creditors. It conveys an Idea to the public that Congress can obtain as much Money as they stand in need of & that the Facility with which they can procure it ought rather to be check'd than encouraged by establishing of permanent Funds. Would you, or any other Person beleive from that Representation that Congress have not obtain'd any Money in Europe for nearly two Years excepting what Mr. Adams has obtain'd. Mr. Laurens's Negotiation is the latest Money we have obtained from the Court of V——s which is little short of two years notwithstanding we have made two very pressing Applications since—one of them particularly long enough ago to have recd. an Answer. Doctr. F——n was so strongly impress'd with an Opinion that we must fail in the Application that he postponed it for farther Directions—which he received in positive Terms.

As to the Court of Madrid Congress I hope will never make another Application there: after the unwearied & pressing Solicitations of Mr. J——y for many months to that Court for about £25,000 Sterg after being trifled with & encouraged from Time to Time, he was finally obliged to the great Dishonor of the United States to suffer to be protested Bills drawn on him to that small Amount. The Count de Vergennes writes in the most pointed Terms against our placing Dependence upon Assistance there. Mr. Adams writes very discouraging as to his future Prospects. Spain will not assist us in this Way. In what part of Europe then is our Credit so well established that we can make Applications for Loans with any Prospect of Success? I know not. Indeed I think it is not fair & honest for Congress to ask a foreign Individual to loan them money in their present State of Imbecility Notwithstanding the above State of Facts, which are literally true. Mr. H——l persists in declaring that his Sentiments can be supported from the Letters of our foreign Ministers & is very assiduously attempting to have a great Part of their Correspondence in his Possession as well as that of the public by introducing them or such Parts as he conceives will best answer his Purpose as Preambles to a Motion & calling for the Yeas & Nays to bring them upon the Journals so that he may have an attested Copy which Congress have not usually given. He left us this Week, & you may probably see him figuring away in the Providence Gazette.

The Hints I have given relative to the Disposition of G—— B—— for Peace must be communicated with Confidence—for that Disposition appeared before the Issue of the Attack upon Gibraltar could be known. We have received no foreign Communications since that Garrison has been releived. How far this favourable Issue may tend to abate her pacific Views is uncertain. The Prospect of Peace when the last official Letters were wrote was more flattering than has ever been before. But Mr. J—y who had a much better Opportunity to Judge of the Probability of the Event than we have, is doubtful. "It may, or may not be this Winter."¹² It will not be safe to place much Dependence at present on an Event so extremely agreeable, as that of a speedy Close of the present War would be.

About Ten Days since a serious Motion was made by Mr. Clarke & seconded by Mr. Rutledge to appoint a Committee to revise our Instructions to our Peace Commissioners.¹³ The Reason therefor was openly assigned, which was to repeal the Clause subjecting them to be governed by the Advice & Opinion &ca. A Committee was appointed but the Report terminated in a very different Object. I must acknowledge I am at a very great Loss about it myself in the present Crisis of Matters. As we have committed ourselves in a Way which discovered the most extraordinary & unlimited Confidence It may probably be attended with more disagreeable Consequences to revoke than to continue it. This is the Opinion of several, (& there is some Reason for it) who are extremely mortified that it was ever done. It is, farther, evident that a Vote in Congress could not yet be obtain'd & if not, it may be a Question whether it is good Policy to push the Matter. The Firmness of our Ministers must be depended on—And my Confidence therein is greatly encreased of late.

I am really wearied in writing this long Letter & I doubt not you will be much more so, before you have read it, & the Enclosures. Pardon the Prolixity & beleive me to be very sincerely, Your most humble Servant,

Samuel Osgood

RC (DLC: Osgood Papers).

¹ See Osgood to Lowell, December 25, 1782.

² That is, Benjamin Franklin, American minister at the Court of Versailles.

³ John Jay actually made this observation in a personal letter of this date to Gouverneur Morris, rather than in his dispatch of the same date to the secretary of foreign affairs, Robert R. Livingston. See Jay, *Papers* (Morris), 2:393; and Wharton, *Diplomatic Correspondence*, 5:809–10.

⁴ The palace of the King of Spain.

⁵ That is, the comte de Vergennes, French foreign minister.

⁶ That is, Lt. Col. John Brooks, commander of the Massachusetts Seventh Regiment.

⁷ See Osgood to Lowell, September 9 and to Henry Knox, December 4, 1782.

⁸ See David Howell to John Carter, October 16, 1782.

⁹ For the lengthy "Preamble" to David Howell's December 18 motion that Osgood undoubtedly enclosed, see *JCC*, 23:814–17.

¹⁰ See David Howell's second letter to John Carter of this date.

¹¹ See Howell's first letter to John Carter of this date.

¹² Jay actually wrote: "We may, and we may not have a peace this Winter. Act as if the War would certainly continue; keep proper Garrisons in your strong posts, and preserve your army sufficiently numerous, and well appointed until every Idea of Hostility and Surprize shall have completely vanished." See note 3.

¹³ See James Madison's Notes of Debates, December 30, 1782.

Samuel Wharton to John Cook

Sir

Philadelphia January 6th. 1783.

During the Recess of the General Assembly, I did myself the Honor of writing to the Vice president under Date of the 2d and 20th of November, and the 23d of last Month; And now I forward to you some pages of the printed Journals of Congress, continued to the 12th of September, and material Extracts from these, which are not finished. In about six Weeks, The Secretary of Congress tells me, That a Volumn with an Index, will be published, extending the proceedings to the 3d of November. I shall be attentive to transmit this Volumn, as soon as I can procure it. Congress are, and have been exceedingly embarrassed by the urgent, and reiterated Demands made upon Them by the publick Creditors, holding Certificates, and liquidated Accounts; strengthened by Memorials from the Assembly of Pennsylvania; in behalf of such of Them, as are Citizens of that State, and a few days ago, A Committee from the Army arrived in this City to request among other Matters, a settlement of their, and the Soldiers Accounts, An Advance of part of the Amount of Them, and a satisfactory Assurance of half Pay.

Their Representation is not yet delivered,¹ and Therefore I can only give at present, What I understand to be some of the Outlines of their intended Application. It was hoped, That the Assembly of Rhode Island would have approved a Bill for laying a Duty of 5 per Cent on all foreign Goods &c, imported into that Government, But to the very great Concern, and Disappointment of Congress, They have unanimously refused to comply with their Recommendation.

This induced Congress to appoint a Deputation, consisting of a Delegate from each of the States of Massachusetts Bay, Pennsylvania, and North Carolina, and order Them to proceed to Rhode Island, and endeavour, not only to answer the Objections of the Assembly, But describe in the most pointed Language the unhappy Consequences, That would, probably result from their Denial of the solicited Impost. The Deputies were furnished with Instructions, and Observations, drawn with Judgment and precision; And it was expected, They would have prevailed over such partial Reasons, as apparently originated from Locality. The Gentlemen proceeded upon their Mission, and had gone a few Miles from this City, When a Delegate from Vir-

ginia acquainted Congress, He had just received a Letter from a Person of Authority in that State, informing, That the Legislature of the Government had repealed their Impost Law. This News much increased the Difficulties of the national Council; But as it has not had an official Account of the Repeal of the Law in Question (Tho' fully convinced of the Fact,) Nor the Reasons for doing it, Congress have not yet deliberated upon the Measures, which would be expedient for Them to take.

The Deputies, who were on their Journey to Rhode Island, hearing that Virginia had acted in the above Manner, returned to this Town. When the Conduct of that State is considered, I hope I may be permitted to say, that the repealing of their Impost Law at this Time, is very extraordinary, and especialy, as She has paid little, or no part of the Requisition of 1782, had not one Soldier in the great Army last Campaign, and only a few hundreds in the seperate, southern Army, and still with unexampled Perversness, continues her futile Claim to the immense Western Region.

Pardon Sir, these Remarks; many more pertinent, and important, cannot escape the Attention and penetration of the Honorable Council, and Yourself. If I may hazard an Opinion, I should apprehend, That the first Step Congress would persue, would be to send a Deputation to Virginia, and another to Rhode Island, for the purpose of trying to obviate such Objections as these States respectively make, and at the same Time strenuously to represent, The impelling Necessity of an immediate Compliance with Desires, frequently, and fervidly made. When this is done, Let the Issue of the Mission be what it may, Congress will have the Consulation of not having left any Means unesayed, which in their Apprehension would redound to the Service of their Consituents.

Hence They can with a respectful Confidence, assert their Vigilance and Fidelity, at least, in this Instance to the States, and to the poor, suffering Creditors of the publick. As soon as Congress are possessed of the Reasons, which induced the Legislature of Virginia to repeal the Law alluded to, I shall take the earliest Opportunity of laying Them before the House. The Behaviour of Virginia and Rhode Island will have a very unfavourable Effect upon Foreign Loans, as Holland knows, That Congress have no fixed Revenue, by which They are enabled punctually to pay the Interest, accruing on Money, They have borrowed, or may borrow.

In England and France it is quite the Reverse. There the Lender, Whether a Foreigner, or Citizen is paid faithfully, and quarterly his Interest. It is thought, the Dutch had heard of the Indisposition of Rhode Island to an Impost Law; for by Advices written in October, We learn, That the Loan, which I mentioned in my Dispatch of the 23d of that Month, had advanced *no more*, than five thousand Guilders. You

will be pleased to recollect Sir, That on the 16th of October, Congress called upon the States, Only for two Millions of Dollars, as *part* of six Millions for the Service of the Year 1783.

This they did from a Belief, That four Millions, exclusive of the Money, which Mr. Adams might borrow, would be obtained in other parts of Europe. Should They be disapointed, The States will be obliged to raise four Million of Dollars, or as much, as shall not be procured on Loan.

This shows, how much those States, which have passed Impost Laws, will be injuriously affected by the recent Transactions of Virginia and Rhode Island, And allow Me Sir to add, That if these States do not soon change their present System of Policy, It will essentially wound, if not, perhaps, destroy our rising, national Credit, founded upon the prospect of a solid, and productive Fund, wholly in the power of Congress, and to be placed by Them, under the Superintendence of an expert, and able Financier.

In whatever Light I view this Subject, I am grieved, and astonished. Whether I contemplate it as the hopeful Basis for European Loans, or as a Fund, whereby the Interest of Foreign, and domestick Debts might have been punctually paid, and the States exempted in a large Degree, from the irksome Task of laying immediate, and *direct* Taxes upon their Citizens. This is a very unpleasant Topick, and one, which with much Reluctance I write upon, But my Duty to the Council supercedes every other Consideration. I feel the Obligation of detailing Facts, *as They are*, and I trust the honorable Council will approve, or at least excuse my explicit Communications. The French Fleet commanded by the Marquis de Vaudruil has sailed from Boston, and taken with it the Army, lately under the Command of the Count de Rochambeau, excepting fifteen hundred Men, including the Legion, now at Wilmington. Congress have received the strongest Assurance, That if there should be occasion for the Return of this Army, It shall be here in Time, and that a sufficient, naval Force will be dispatched from the West Indies, for the protection of the American Commerce during the Winter.

Before this Time, I flatter myself the Minister for foreign Affairs has sent to the Vice President a Copy of the King of Great Britain, his last Commission to Mr. Oswald, for the purpose of treating for a Peace or Truce with the Commissioners (at Versailles) of the United States of America.² From Appearances, there is good Reason to think, The British Cabinet is more sincerely disposed for Peace, Than They have been, any Time since the Earl of Shelburne has been prime Minister; But the next Advices from France will greatly elucidate several Matters, which are at present enveloped in some Shades of Obscurity. There is a Diversity of Opinions respecting the Commission, granted to Mr. Oswald, as how far the British Nation is committed by their

Sovereign's authorising Him, explicitly to treat with the Commissioners of the United States. Some contend, That it is wholly illusory, and That it ought to have designated the several foederal Governments in the Manner done by the Articles of Confederation, and the Acknowledgments of France, and the United Provinces of the Netherlands; Whilst others insist, That the Commission is at least an implied Recognition of the Independence of the United States, and that neutral Powers may safely authorise their Subjects to employ their Vessels, and other property in Commerce with Us: and Indeed, There are other persons, even of high Rank and Estimation, Who maintain, That a Treaty, in Consequence of the preceding Commission was carrying on, (having perfect *Equality* for it's Foundation) between Great Britain and the United States.

It will not be long before We shall be at a Certainty as to the real Intention of the Enemy; and in the meantime, it will be a most serious Object for Congress to consider And adopt, The wisest Measures for the full Information of their Ministers, relative to the future Trade of these States with the West India Islands, as well those, which belong to the English, as those of the French &c.

By the Treaty of Amity and Commerce with France, there is no specifick Provision for Trade with the Islands. This is a Consideration of great national Import, particularly to the Middle States, and calls for the Exertion of Gentlemen, well informed in the Science of Commerce, combined with Policy.

In this Light, Congress see it, and will devote the utmost Attention to it.

I must now take the Liberty of desiring the Favor of the honorable Council to recur to my Letter of the 2d of November to his Honour the Vice president, and the Extracts from the Journals of Congress herewith sent, as therein will be found, what passed upon the Acceptance of the Cession of New York.

Much Time and Pains were requisite for removing Objections in different Delegates, as the opposing, and large States had made strong Impressions upon Them, but by Assiduity, and private Arguments, deduced from Justice and policy, and corroborated by historical Truths, We at last prevailed. Upon the Day of Decission, It was remarkable, That the Majority sat still, and only called, and recalled for the Vote, which did not a little irritate the Minority.

The Intention of the successful States in Congress, was to have carried Resolutions through the House, of the purport of those, which I mentioned in my Letter of the 2d of November; But unfortunately the Delegates of Connecticut were obliged to attend the Trial between that State and Pennsylvania, and several other Delegates returned to their respective Governments. At present Maryland and Georgia are not represented, But the former, We suppose, will have it's Members

here by the Beginning of next Month. There are many new Delegates in Congress, who are much uninformed upon the Subject of the vacant and unappropriated Lands at the Revolution, and Therefore it is judged imprudent to move for firm and decisive Measures concerning Them, until proper Discussions have been *previously* had.

The Magnitude of this Object, embracing Considerations of the most extensive Consequences, demands of the Congress, That they should terminate it with all prudent Dispatch, otherwise, I am persuaded, They will have abundant Cause to deplore their Neglect.

I should be glad to be informed, What Distance it is from Dover to some Town on the Eastern Shore of Maryland, thro' which the post Rider now passes, as I flatter myself, if going by Dover does not much increase his travelling, I should be able to prevail upon the Post Master to direct that Route, if it should be the Wish of the Legislature.

With my respectful Duty to the honorable Council, I am Sir, your Honour's most humble, and most Obt. servant,

Saml. Wharton³

RC (PHi: Society Collection). In a clerical hand, and signed by Samuel Wharton. Addressed: "The Honorable the Council of the Delaware State." Endorsed: "Letter, dated Jan'y. 6, 1783, from Samuel Wharton Esqr. Read in the House of Assembly."

¹ The "Committee from the Army" presented its memorial to Congress this day. See James Madison's Notes of Debates, January 6.

² Robert R. Livingston's December 23 letter of transmittal is in Wharton, *Diplomatic Correspondence*, 6:161.

³ Although this is the last extant letter written by Wharton while in Congress, he apparently continued to attend until the expiration of his term on February 1. The journals report his participation in a roll call vote on January 25, and he was a member of the committee of the week that submitted a report to Congress on February 4. However, an auditor's account for his attendance in Congress records a claim for compensation only from February 25, 1782, to January 21, 1783. See *JCC*, 24:94, 108; and *Delaware Assembly Proceedings*, p. 293. Wharton was not re-elected to Congress because of the Delaware Assembly's February 1, 1783, purge of non-resident office holders, for which see Wharton to John Dickinson, February 17, 1782, note 2.

William Blount to John Gray Blount

Dear Sir,

Philadelphia January 7th 1783

I have received your's of the 10th Decr. by Post but as yet hear Nothing of yours wrote as early as September inclosing a Sett of Bills for 535¾ Dollars drawn by Mallett and Jewkes on Oliver Pollock.¹

Mr. Hellborn very readily agreed to pay me the Balance due to Mr. Blackledge—when I want it I shall call and receive it and that Sum with the sum that my Friend Hawkins will lend me will enable me to leave this place which I shall certainly do on or before the 1st Day of February.²



William Blount

In August last a Commission was granted by the Court of London to Richard Oswald Esquire of the City of London empowering him to treat for and conclude with the Colonies of North America or their Commissioners a Peace or Truce. Our Ministers at Paris refused to treat with Mr. Oswald under this Commission objecting to the Word *Colonies*. On the 27th September Mr. Oswald produced another Commission from the Court of London dated September 21st empowering him to treat for and conclude with the Commssioners of the Thirteen United States of North America Viz New Hampshire, Massachusets &c &c—a Truce or Peace. On the 14th of October our last Official Accounts are dated (from Paris) when and where the Peace Negotiators appeared to be going on very amicably but by the same Conveyance We are informed by one of the Negotiators that Notwithstanding the peaceable Aspect the Negoci[a]tions have, that he should not belive the British were sin[c]ere in what they said about Peace untill they had signed and sealed a Treaty to insure it. In this Business of Peace making there is no less than five diffrent Interests to consult and accomodate so that however sin[c]ere all Parties may be in their wishes to Compleat it, It will unavoidably be a Work of considerable time, if effected at all, And as to what will be the Event of this Business the People here are much divided in Opinion for my own part my Opinion too frequently goes with my Wishes and no Man more fervently wishes for Peace than I do. I write to no other of my Friends of this Subject and you may give as many of them Extracts from it as you please, particularly Govr. Caswell, James Coor & Docr. Guion. My Merchantile Friends I need not mention. Now to yourself & T & T. O.³ let me say that the best informed People here are very clear that Peace will arise out of the present Negotiations and of this Opinion I am, but as it is truly a Work of great Magnitude I can form no opinion as to the precise time when it may be expected. These letters of this Package will come to you from Edenton by Express & you must pay the Expence. I am &c

Wm. Blount

RC (Nc-Ar: Blount Papers).

¹ See Blount to Pollock, December 26, 1782.

² Nevertheless, Blount probably did not leave Philadelphia before mid-February. Writing from Baltimore February 15, Thomas Jefferson reported that Blount had not yet arrived there en route home, though expected. Jefferson, *Papers* (Boyd), 6:243. And in a 1785 "Deposition of his Service in Congress," Blount claimed eight months service from "the second Day of July 1782 to the second Day of March 1783 both Days inclusive . . . including the Time taken up in going to and returning from Congress." Blount Papers, McClung Historical Collection, TKL.

³ Titus and Thomas Ogden, merchants of New Bern, N.C. Blount, *Papers* (Keith), 1:33.

Elias Boudinot to Elias Dayton

Dr Sir

Philadelphia Jan'y 7th. 1783

I have the Pleasure of Congratulating you on your Appointment to the Rank of Brigadier Genl in the Army of the united States.¹ This was happily accomplished to day, by the perseverance of your Friends, and at last without much Opposition. I doubt not the promotion will do honor to Congress and justify the Part your Acquaintance have taken in your Behalf. I also give you Joy on the Evacuation of Charles Town, which is now Confirmed.

I have the Honor to be, tho in great Haste, D Sir, Your very Hble Servt,
Elias Boudinot

RC (PHC: Roberts Collection).

¹ For the promotion of Cols. John Groaton, Rufus Putnam, and Dayton this day, see *JCC*, 24:38.

Daniel Carroll to William Paca

Dear sir,

Pha. Jan'y 7th 1783

I was yesterday favord with yours of 2d & 3d Instant—& shall immediately communicate wh[en] desired to the Minister of France¹—& have the ho[nor] be with great respect, Your Excellys. Most Obt Servt,
Danl. Carroll

RC (MdAA: Red Books).

¹ Governor Paca's January 2 and 3 letters to Carroll are in *Md. Archives*, 48:335–36. He was particularly concerned to communicate Maryland's gratitude to the chevalier de La Luzerne for the French navy's assistance in protecting trade in the Chesapeake from enemy privateers.

James Madison's Notes of Debates

Teusday Jan'y. 7th. 1782 [1783]

See the Journals.

In the evening the grand Committee had the assigned conference with Mr. Morris who informed them explicitly that it was impossible to make any advance of pay in the present State of the finances to the army and imprudent to give any assurances with respect to future pay untill certain funds should be previously established.¹ He observed that even if an advance cd. be made it wd. be unhappy that it sd. appear to be the effect of demands from the army; as this precedent could not fail to inspire a distrust of the spontaneous justice of Congress & to produce repetitions of the expedient. He said that he had

taken some measures with a view to a payment for the army which depended on events not within our command, tha[t] he had communicated these measures to Genl Washington under an injunction of secresy,² and that he could not as yet disclose them without endangering their success: that the situation of our affairs within his department was so alarming that he had thoughts of asking Congress to appoint a Confidential Committee to receive a communication on that subject and to sanctify by their advice such steps as ought to be taken. Much loose conversation passed on the critical state of things, the defect of a permanent revenue, & the consequences to be apprehended from a disappointment of the mission from the army; which ended in the appointment of Friday evening next for an audience to the Deputies³ on the subject of the Memorial, the Superintendt. to be present.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:18–19.

¹ For discussion of Robert Morris' response to the demands presented by a deputation from the army January 6, see Morris, *Papers* (Ferguson), 7:247–50, 315–16, 327–37.

² For the "measures" Morris had taken to enable him to pay the army which he had communicated to Washington on October 16, 1782, see *ibid.*, 6:604–5.

³ Madison later wrote above the line: "General McDougal, Col. Brooks & Col. Ogden."

James Madison to Benjamin Harrison

Philada. 7 Jy. 1783.

Your Excy's favor of the 28 Ult.¹ was duly recd. by yesterday's mail. The extract from the Journal of Congress herewith inclosed contains the answer to the objections of R. Island agst. the impost recommended by Congress; and which was to have been enforced by a deputation to that State.² You have been already informed of the effect which the sudden repeal of the accession of Virga. had on the measure.³

Genl. McDougal, Col. Brooks of Massachsts. & Col. Ogden of N. Jersey arrived here some days ago, charged with a very solemn representation from the army of the grievances which oppress them. The redress principally urged is an immediate advance of part, & adequate provision for the residue of their arrears. Yr. Excellcy will readily conceive the dilemma in which Congress are placed, pressed on one side by justice, humanity & the public good to fulfil engagements to which their funds are incompetent, and on [*the*] other left without even the resource of answering that every thing which could have been done has been done.

The tribunal erected for the controversy between the States of Pa. & Connecticut have unanimously adjudged & reported to Congress that the former⁴ has no right to the lands in question, and that the juris-

diction & pre-emption of all the territory lying within the charter boundary of Pena. & claimed by Connecticut, do of right belong to Pennsa.

Another severe relapse has confined Mr. Jones for some days to his room & prevents his being a party to this letter. J. M.

FC (DLC; Madison Papers). Madison, *Papers* (Hutchinson), 6:20–21.

¹ Harrison's December 28 letter to the Virginia delegates is in *ibid.*, 5:465. Before drafting this reply, Madison sent Harrison's letter with the following note to Joseph Jones, who was ill and keeping to his quarters. "Mr. Jones will please to send back the public letter & Mr. M. will answer it, and the news from Col Monroe if any particularly as to the Impost, also how he finds himself to day." A letter from James Monroe, Jones' nephew and a member of the Virginia Council, had apparently been delivered to Jones by the same post and Madison was hoping that it contained information on Virginia's decision to rescind its ratification of the impost amendment, a subject on which Harrison had been silent.

Jones' reply, penned on the same sheet of paper immediately below Madison's note, reads: "Mr. Jones begs to return to Mr. Madison the public letter and thanks him for his offer to answer it. Col. M.'s Letter contains not a word ab. the impost or indeed any thing of consequence—he only mentions Mr. Lee's prevailing on taking the question to recall him and some further observ. respecting the office he formerly wished to be appointed to. My disorder has been much checked since yesterday." Madison Papers, DLC; and Madison, *Papers* (Hutchinson), 6:17–18.

Madison then drafted the present letter to Harrison, the only copy that has been found, on the verso of the same sheet.

² The enclosed "extract" from the journals is in the Continental Congress Papers, Vi. For the "answer" to Rhode Island's objections against the impost, see Madison's Notes, December 16, 1782, note 2.

³ See the Virginia Delegates' letter to Harrison of December 31.

⁴ Madison clearly should have written "the latter."

James Madison to Edmund Randolph

My dear Sir

Philada. 7 Jany. 1783.

Your favor of the 27th ult.¹ disappointed me by its silence as to the 5 Per Ct. The Governor's letter led us to hope that the subject would be resumed and the arrival of yesterday's mail was awaited with a general anxiety on that account. Not a line however in any letter public or private touches on the subject.² My last I hope will have led to some explanations on it.³ The official letter to the Governor will inclose a copy of the answer to the objections of Rhode Island which was to have cooperated with the deputation to that State, if Virginia had not frustrated the whole plan by her defection.

The deputation from the army which arrived here a few days ago has laid their grievances before Congress. They consist of sundry articles the capital of which are a defect of an immediate payment, and of satisfactory provision for completing the work hereafter. How either of these objects can be accomplished, and what will be the conse-

quence of failure, I must leave to your own surmises. I wish the inquietude excited by the prospect was the exclusive portion of those who impede the measures calculated for redressing complaints against the justice & gratitude of the public.

The Resolution of the House of Delegates against restitution of confiscated effects is subject to the remark you make.⁴ The preliminary requisition of an acknowledgment of our Independence in the *most ample manner*, seems to be {still more in}cautious, since it {disaccords} with {the treaty of alliance} which {admits} the {sufficiency of a *tacit*}⁵ acknowledgment.

Mr. J. is still here. I must as I apprehended postpone a copy of my extract from his remarks to the next mail,⁶ to which I will add what you wish from C's⁷ papers if any thing be in them.

Another severe relapse has undone all his late recovery & his condition is at present as low and as alarming as it has been in any stage of his disorder.⁸

RC (DLC: Madison Papers). In Madison's hand, though not signed. Madison, *Papers* (Hutchinson), 6:22.

¹ See *ibid.*, 5:453–54.

² See the preceding entry.

³ That is, his letter of December 30.

⁴ For the Virginia assembly's instructions to the delegates to oppose the restitution of confiscated property and Randolph's "remark," see *ibid.*, pp. 409–10, 454.

⁵ Words printed in braces in this text were written by Madison in a cipher supplied by Randolph.

⁶ For this reference to Thomas Jefferson's "remarks" on the queries of the marquis de Barbé-Marbois concerning the state of Virginia, see Madison to Randolph, December 30, note 8.

⁷ Col. John Cox, whom Randolph had mentioned in his letter of December 27th. See Madison, *Papers* (Hutchinson), 5:454n.17.

⁸ Although Madison appears to be referring to Jefferson or Cox, he is undoubtedly commenting on the health of Joseph Jones, which had recently taken a turn for the worse, for which see the preceding entry, note 1.

Jonathan Arnold to William Greene

Sir

Philadelphia January 8th. 1783.

The return of my late colleague Mr Howell prevents the necessity of my writing particularly on Public affairs as he will be able to give every information in that regard.

But the Duty I owe to the State obliges me to give an Account of the extraordinary proceedings in Congress towards that gentleman. To do which it is necessary in the first place to inform, that a large majority of the members of Congress, had the most sanguine views of obtaining the proposed Continental Impost of 5 per Cent, which was held out by them as the only means, of restoring Public Credit, of prevent-

ing a Disunion of the States—and saving the Country from immediate ruin. In short it was extolled as the infallible, grand Political Catholicon, by which every evil was to be avoided, and every advantage derived. Of consequence every thing done in Opposition to that darling measure placed the doer in the most obnoxious point of view.

This was Mr. Howell's situation at my arrival, which, I have had the honor to share a part of the burthen.

From circumstances it was soon obvious that the favorers, and expectants of that measure—considered him as the chief stumbling stone in the way to their wishes—and directly after intelligence Arrived in this City, that the Assembly of the State of Rhode Island & Providence Plantations had rejected the Impost, (and previous to the Arrival of any Official Account thereof) the proceedings contained in the Extract from the Journals No. 1—took place¹—and the same day, Decemr 6th a Deputation was appointed to go to Rhode Island, to urge a compliance with the Impost—by the latter, the design of the former was very evident. But prudence dictated silence in regard to the proceedings—until a further progress should determine in what manner the gathering storm would fall.

On the 12th of December, Mr. Collins gave the Letter of the Speaker of the Lower house of Assembly, of the State, to the President of Congress—which being read, the Motion & proceedings, was made and took place, as in the Extract of the Journals, No. 3²—and the same day the Committee above mentioned reported, as by the Extract No. 2 of that day appears.³

It was now beyond a doubt that the proceedings originated in a fixed design to ruin Mr. Howell's credit & Character with the State he served—and thereby destroy that influence, he was supposed to have in Opposing the Impost, their favourite Object.

To prevent further trouble, Mr. Howell after deliberating upon the matter, avowed himself to be the writer of a Letter from which it was probable the Extract referr'd to in the report was taken—and averred the Facts therein Stated to be true, as could be shewn from the Letters &c on the files of Congress.

During this progress—the deputation were preparing for their Tour. A committee by appointment, had drawn up a very lengthy performance, wherein a State of Public Affairs foreign & domestic, was laboriously wrought up to the liking of a Majority of Congress—who received & approved it, and of which I shall say nothing more at present, as I mean to forward a Copy thereof as soon as it can be procured.

In the mean time sundry Letters were received from Europe—which it was declared necessary should be kept secret, and many transactions, respecting the deputation, wore an aspect which I could not reconcile to my own feelings. Secrecy was enjoined upon Members of Congress, in Matters public in the City—and daily publishing in the

Newspapers. Until I was obliged to declare upon the floor, that in matters where the necessity therefor could not be pointed out, and which I deemed Interesting to the State I had the honor to represent to be informed of—I should not hold myself bound by a majority—from making the necessary Communications thereof to my constituents.

As a circumstantial detail of the many Particulars which took place during the prosecution of my Colleague would draw out a Letter to too great a Length, I must beg leave to refer generally to the extracts, herewith enclosed, and will mention such things only, as tend to explain them, and such further proceedings, of which Copies cannot be procured.

On the 18th of December a Motion was before the house for repealing the resolution for the Secretary for foreign Affairs to write to the State, requesting the Author of sd Letter to be given up as it was said in the Motion, "Mr. Howell a delegate from the State of Rhode Island, having Acknowledged himself the Author" &c. It would appear by a motion thus expressed that Mr Howell not only acknowledged himself the Author thereof, but that he submitted to the Stigma, the Committee had fixed upon it in their report which was entered on the Journals. Therefore this was warmly opposed by Mr. Howell, and in which I supported him but when the members seemed determined to bring his name on the Journals in that disagreeable view. Mr. Howell then offered his declaration & protest which appears in the Extract inclosed No. 2.⁴

And tho' from the first it was my fixed intent to support my Colleague so far as I could with truth & Justice—Yet I felt a reluctance at bringing on the Journals, what must place Congress in a view—which was painful to me. And after seconding his motion, I desired him to withdraw it to make way for an Amendment which I wished to make to the motion first before the house—he withdrew it—and I moved the Amendment in the words following.

"Mr Howell having acknowledged himself to be the author of a Letter from which he supposes the Extract to have been taken, and that when he wrote the same, he believed and still believes the representations therein made to be consistent with matters of Fact which may be proved by Authentic Letters & documents on the files of Congress." After waiting the usual time, the president informed me I was not seconded.

At this moment I must confess I felt from a variety of Passions which were thereby excited—an Anxiety I was never before sensible of on any Occasion. It appeared that the ruin of my Colleague, was irrevocably fixed, and determined on.

It now became necessary—as the only resource, that he should renew his motion, which he did, and was seconded and Calling the yeas & nays, brought it upon the Journals.

In Consequence of this another Committee was appointed upon us both—which and their report given in on the 18 Decr. is in Extract No. 2—by this the Secretary for foreign Affairs is to transmit to the State—together with the doings of Congress “an Authenticated State of the several Applications for foreign Loans, and the result thereof.”

Apprehensive whether the same turn of thinking wch. actuated the first committee in their report—might not affect in stating those matters—(apart from other & personal Considerations) And judging it would be more satisfactory to your Excellency and the Assembly to have the Letters & papers themselves, wherby to form a State conformable to your Judgments—rather than to take the Constructions, comments, glosses, & Colourings of either party every leisure hour Until the 2nd day of January was taken up in procuring a knowledge of the Letters &c necessary to be forwarded—on this Occasion, in addition to what was already Ordered. Which being summed up in the form of a Resolution—I moved it, seconded by Mr. Collins and the yeas & nays being called—various manœuvres were tried to prevent its effect, but in vain. Until I was surprized by a motion to transfer the Motions, with the subsequent proceedings to the secret Journals, which was carried, altho’ the Motion did not upon a scrutiny contain any thing under injunction of secrecy, nor related to any matter pointed out by the Articles of Confederation—as the subjects for those Journals. It would have given me great satisfaction to have been able to forward a Resolve of the purport of (No. 4)—but of this by the proceedings above mentioned I am prevented.⁵

Discouraged from a further trial Mr. Howell set out to return on the 6th Instant.

Although by these matters his stay has been protracted about Two weeks, yet I cannot doubt but your Excellency & the Honorable Assembly will be with me in Opinion that the time has been spent, in discharging a duty, and for the Honor and Interest of the State. Thereby a Capital & I hope fatal stroke has been given to a system, which had it prevailed, I have no doubt would either have involved the Country in fresh & unsuspected scenes of distress—or terminated in the destruction of the Liberties of the States as established by Confederation, and I am persuaded by the convictions which already appear, similar attempts will not be soon made in Congress to infringe the rights of a Member of their body.⁶

No Official intelligence is yet arrived of the Evacuation of Charles Town—but it seems now beyond a doubt to have taken Place. This is the only important news, and on which please to Accept my Congratulations.

I have the honor to be with the greatest respect your Excellency’s
Very huml. servant,

Jona Arnold

RC (R-Ar: Letters to Governors).

¹ See *JCC*, 23:771–72; and Arnold to Greene, December 6, 1782.

² See *JCC*, 23:788–90.

³ See *JCC*, 23:791–93.

⁴ See *JCC*, 23:813–19; and Arnold to Greene, December 18, 1782.

⁵ See *JCC*, 24:32–36.

⁶ On January 14 Congress nevertheless adopted a resolution rebuffing the Rhode Island delegates and reaffirming its demand for secrecy on “the subject of foreign loans,” and calling for Rhode Island officials to prevent the proceedings involving Howell from “appearing in the public prints.” See *JCC*, 24:45–46; Elias Boudinot to Greene, January 16; and Rhode Island Delegates to Greene, February 4, 1783. See also James Madison’s Notes of Debates, January 3, note 3.

Oliver Ellsworth to Abigail Ellsworth

Dear Nabby,

Philadelphia Jany. 8th 1783.

I have not yet heard a word from Windsor or Hartford since I left home, but hope I have now letters on the road which will afford me the great pleasure of hearing that you are all well & do not suffer at all by my absence.¹ I feel myself bound by [. . .] & promise to write you a line by ever[y oppor]tunity tho’ I should have very little to say, which is the case at present.

You will percieve by the enclosed paper that Charleston is at last really evacuated; which reduces the Enemy in these United States to the single Post of New York.

With love to Nabby & a smack for the little boy & a thousand good wishes to you all—I remain unalterably your—

OE

RC (CtHi: Ellsworth Papers).

¹ Ellsworth had returned to Congress on December 20. *JCC*, 23:822.

John Taylor Gilman to Meshech Weare

Sir

Philada. Jany 8th. 1783.

I received your favor of the 9th Ultimo. on the 31st. Genl. Whipple sets out to-morrow morning by him I shall send you some Commissions & Journals of Congress. As it is uncertain how long he may be on the Road, and this being Post Day I Just Inclose you a Paper by which you will see that Charlestown is Evacuated.

I shall write you by Genl. Whipple, more fully.¹

I have the Honor to be, Your most Obedt. Servt.

John Taylor Gilman

RC (MHi: Weare Papers).

¹ See Gilman to Weare, January 9.

Alexander Hamilton to Elizabeth Hamilton

Jan'y 8 1783

[The post my] angel has met with some interruption (I suppose by the river being impassable) which deprives me of the pleasure of hearing from you. I am inexpressibly anxious to learn you have began your journey. I write this for fear of the worst, but I should be miserable if I thought it would find you at Albany. If by any misapprehension you should still be there I entreat you lose not a moment in coming to me. I have borne your absence with patience 'till abo[ut] a week since, but the period we fixed for our reunion being come I can no longer reconcile myself [to it.] Every hour in the day I feel a severe pang on this account and half my nights are sleepless. Come my charmer and relieve me. Bring my darling boy to my bosom.

Adieu Heaven bless you & speedily restore you to yr. fond husband

A H

Reprinted from Hamilton, *Papers* (Syrett), 3:238.

Abner Nash to James Iredell

Dear Sir.

Philadelphia Janry. 8. 1783.¹

Our old acquaintance will very well warrant the indulgence I allow myself of dropping you a few Lines from this place, at the same time I wish it were more in my power than I find it is, to enlighten you on the great topick of peace, you no doubt see the Gazetts of this place, I understand Doctor Williamson sends them regularly to Edenton, these Sir contain as much intelligence as a member of Congress *can* communicate, at the same time an opinion may be ventured & I shall freely say to you tho I would not venture an opinion to the public, that I hope & much believe the present negotiations for peace will have a happy termination—from the facts you & the world know I reason thus. The Belligerent powers must have known before Commissions were exchanged the ultimate views of each party respectively—with respect to America she demands only her independence this also is the main object of the war on the part of France, it effects fully her Views of diminishing the over grown power of her natural enemy & Rival. As to Spain her Honour is satisfied in the Conquest of Minorca & the Dutch have so little zeal for war & so much for trade & Commerce that reasonable compensation or perhaps something less for the outrages Committed on the property of her Citizens will satisfie her; under this view of interests taking also into the accot. the humiliating concession of Britain already made, in granting a Comn. to Treat expressly with the 13 U. States, what less can be expected than the

wished for peace—if G. Britain was not pretty sure, that the ultimate concessions in the course of the treaty wch. she had determined to make would ensure to her peace, would she be so weak As in effect to acknowledge American Independence? Would she not rather, at least affect to claim us as her subjects & keep this claim open for contingencies during the war? No doubt she would—have not the British Councils declared to the world the impracticability of recovering their lost Colonies & have they not now opened a treaty with them as sovereign & independt. states? Yes—wherefore then carry on the war, can we suppose that in her exausted condition, she is capable of futuring projects of conquest Agt. her other Enemies to make good what she has lost here: The Idea is too chimerical therefore on the whole, I conclude & give it as my chimney corner opinion that all parties are prepared for peace. Nothing I do assure you my Dear Sir is more true than that poor America is prepared for peace, indeed it may be said she is prepared for nothing else. In the early periods of the war Congress possessed powers very different from what they do now. They Could order the raising of Regiments, could organize armies & what is of particular consequence they held the purse strings of America, that is so long as paper could be found, they could find money—possessed fully of the Confidence of their Country they could turn even rags to Money. Midas like what e're they touched they turned to gold, but alas! this gold has all turned to rags again & the art is lost *lost*, forever, see McFingal, & they are able now only to apply to their constituents for money, who are either not able or not willing to pay. Perhaps you will say, let them exercise their power of borrowing as other sovereigns do who enter into war, but I answer if they will borrow as other nations do, they must provide & appropriate ample Funds for paymt. of Interest & principal as other nations do. Promises wont do any longer & what funds I ask you have Congress in their power—none—they made one attempt to bring the states into a consent that they might Tax imports as far as 5 per Cent & after advocating the propriety nay necessity of the measure as a prop to Credit. for two years they have at length the mortification to find it wont go down. The little State of R. Island has had it in her power to blast the well grounded hopes that were conceived of such a measure & Virga. has since on this head gone retrograde. A deputation from the N. army is now before Congress stating their distresses & prophesying what will be the probable consequence if practising any longer on the patience of the Soldiery. God grant us you will say a happy issue out of all our troubles; so we all say but this wont get the Cart out of the mire. The truth is Sir the fault is in the Constitution of Congress & if these distresses should happily point out a remedy in the right place and way, we shall by & by say as we have often had reason to say before, all is for the best, you will guess to what my hopes glance—things will soon be

better or worse. Our representation is now very full all the delegates being here, but as our Finances are not calculated but for the support of a bare representation Mr Blount & myself will go home soon.² The Doctor is satisfied to stay over his time wch. is very agreeable to me. Please to present my best respects to Mr. Johnston, yr. Lady &c. & believe me to be wth. the sincerest regard, Dear Sir, yr. obt. Hble Servt.
A. Nash

RC (NcD: Iredell Manuscripts).

¹ Edmund C. Burnett and Griffith J. McRee misdated this letter January 18, 1783. Burnett, *Letters*, 7:19.

² Little is known about Nash's final days in Philadelphia. He was not present for the congressional roll call votes of February 6; and Thomas Jefferson later reported that Nash arrived in Baltimore on February 13 en route to North Carolina and that William Blount was soon expected. See *JCC*, 24:116; and Jefferson, *Papers* (Boyd), 6:243.

John Taylor Gilman to Josiah Bartlett

Dear Sir (Private) Philada. Jany 9th. 1783.

It is so long a time since I had the pleasure of a Line from you, that I Scarcely know whether you wish to hear from me however I shall Hazard a few Lines. Your last Letter was dated Octr. 5th.

You will see by my Letter to the Honbl. the President what has been done respecting Contl. Money; as I think their is not any the least prospect of any thing being done to good purpose at present I Imagine the Delegates of Massachusetts will not move the Subject again very soon, and I Shall not unless I hear from the state on the Subject. I have seen the Resolve of the Genl. Court for Compleating their Battalions in Consequence of the Application of Genl. Washington.¹ This was a plan agreed on by him & the Secretary at War. It was altogether unknown by Congress (Except some Individual Members) untill about the 25th of December. I had been Informed of it by a Letter from the Army but not in time to write to the State previous to the November session, otherwise I Should have hazarded my Sentiments on that Subject in Contradiction to the Application. The Arrangement of the 7th of August Ought to have taken place in the N.H. Line. Congress were Informed a few Days Since (about the 27th December) that application had been made, and that New Hamp. had agreed to raise their Troops, which was the principal Argument made use of for Suspending the Arangment which Resolution I Inclose you.² I am for General Arrangements & requisitions I by no means wish to see the State of New Hampshire backward in Complying with the General Requisitions of Congress, But in this Case, I think in the first place that it is not probable we shall want more men, and in the Second if we did they ought to be raised from those States who are much more

delinquent than New Hampshire. The State of Pennsylvania have perhaps four times the Number of Inhabitants and as to Extent of Territory & wealth I cannot Say in what proportion they are to us but you can Judge, and you will see by this Resolution that, that State propose to Compleat Three Battalions to NHs. Two—but I need not add, your having recourse to the List of the Army which I Sent you some time Since³ will shew you the numbers of Each States Troops. The State of Rhode Island (you are Undoubtedly informed) have Unanimously rejected the plan of an Impost, Virginia have repealed their Act, and at present I See no prospect of Congress having any Funds on which to Secure their Creditors. The Securities are many & they have been sold at great Discount, in this place.

The Conduct of some States seems to be such as tho. they Expected each State would be Obligated to settle with their own Citizens. For my own part I hope the Confederation will be Strengthened and that we shall Continue United for a long time to Come, but if other States make Use of Such Policy, will it not be necessary for N.H. to do so too—perhaps I write too freely on this Subject, but when I hear some persons say our Accounts will not be adjusted (between each State) and the Arguments of others on the Subject of Continental Currency I think it my Duty to mention the matter. The Subject of obtaining the Value of Lands and Buildings in Each State to Ascertain the proportion of public Expences agreeable to Confederation has been taken up, a Report is now under Consideration for Carrying that Article into Effect.⁴ It seems to be a general Opinion that the Value cannot be Ascertained with any degree of Accuracy—if it could, would it be Equal? It is said (from the Circumstances of the War) that if it would have been Equal when Confederation was proposed it would now be very Unequal; my Own Opinion is that it never was nor will be Equal unless some other Tax (such as an Impost) or others which might be devised should go along with it—if we find so great difficulty in Ascertaining the proportion of Each Town & Parish, what may we Expect between State & State? My Opinion is that the Quota of each State will not be Determined agreeable to the Mode of Confederation and that unless the States can be Induced to grant some kind of Taxes as Imposts &c. that each One will have to pay the debts due to their own Citizens & how our foreign debt will be paid I cannot Say.

But Enough on this Subject, perhaps my fears have out run my reason.

We are Daily Expecting some further accounts from our Commis-srs. in Europe by which we shall be able better to determine whether we may Expect Peace soon or not, for my Own part I cannot but hope we shall have Peace before the time for Opening another Campaign, but the Instability of our Enemy's Councils are such that we cannot depend on it untill we know the Articles are Signed.

Hope the State have Appointed Delegates to relieve us the beginning of April.

Nothing further done respecting Vermont & please to make my Compliments to my Friends with You. I am, Your most Hum Servt.

John Taylor Gilman

P.S. Mr. Jefferson of Virginia who was Appointed one of our Commissioners. for making Peace is Just Setting out for Europe.

RC (NhD: Josiah Bartlett Papers).

¹ For this November 23, 1782, New Hampshire General Court resolve, see *N.H. State Papers*, 8:951.

² Gilman enclosed Congress' December 31 resolution suspending the August 7, 1782, resolution for reducing the number of officers in the Continental regiments of New Hampshire, Rhode Island, and New Jersey. *JCC*, 23:837.

³ See Gilman to Bartlett, August 5, 1782.

⁴ See James Madison's Notes of Debates, January 9–10, 1783.

John Taylor Gilman to Meshech Weare

Sir Philada. Jan'y 9th. 1783.

You will receive herewith (by favor of Genl Whipple) the printed Resolutions of Congress from May to November 1782, you have likewise a Package Containing the Blank Commissions which we wrote to the Secretary for. You will see by the Papers that Charlestown is Evacuated, this will give great relief to the Southern States, we have not had any Accounts from General Greene in particular Except what was taken from a New York Paper.

The Subject of Continental Currency has been repeatedly debated, Committed, reported upon &c. On the 7th Instt. it was taken up. I Inclose you Copy of the proceedings, as by which you will see that the proposition for receiving of it at the rate of Forty for One, as also that of Seventy Five for One is rejected.¹ I believe their is no State in the Union which have Collected the Quota Assigned them Excepting New Hampshire, Massachusetts & Rhode Island. It appears that about One half part of the whole Money Emittid by Congress have been paid into the Treasury's or is now in the hands of Individuals in those Three States; The State of Massachusetts have made repeated Representations to Congress on this Subject, what measures they will take next I cannot Say; but I think their is not a prospect of any thing being done in Congress at present that will give Satisfaction to those States who hold more than their proportion of the Money. Their is a Committee of Officers from the Army now here, they want some Money to relieve their present Necessities to be paid Immediately; a Settlement and Security for the Arrears of Pay, Rations &c.; and Security for the Half Pay promised them by the Resolutions of Congress;

this business is now under Consideration, what can or will be done I cannot Say.²

Are daily Expecting some further Accounts from Our Commissioners in Europe by which we may be able to determine the Intentions of the Enemy respecting Peace.

I have the Honor to be, Your most Obedt. Servt.

John Taylor Gilman

RC (Nh-Ar: Revolutionary War Correspondence).

¹ For these proceedings, on the report of a grand committee of which Gilman was a member, see *JCC*, 24:39–42.

² See James Madison's Notes of Debates, January 7, 1783.

James Madison's Notes of Debates

Thursday Jany 9th & Friday Jany 10 [1783].¹

On the report² for valuing the land conformably to the rule laid down in the federal articles, the delegates from Connecticut contended for postponing the subject during the war, alledging the impediments arising from the possession of N.Y. &c. by the enemy; but apprehending (as was supposed) that the flourishing state of Connecticut compared with the Southern States, would render a valuation at this crisis unfavorable to the former. Others particularly Mr. H[amilton] & Mr. [Madison] were of opinion that the rule of the confederation was a chimerical one, since if the intervention of the individual states were employed their interests would give a bias to their judgments or that at least suspicions of such bias wd prevail; and without their intervention, it could not be executed but at an expence, delay & uncertainty which were inadmissible; that it would perhaps be therefore preferable to represent these difficulties to the States & recommend an exchange of this rule of dividing the public burdens for one more simple, easy & equal. The Delegates from S. Carolina generally & particularly Mr. R——dgc advocated the propriety of the constitutional rule & of an adherence to it, and of the safety of the mode in question arising from the honor of the State. The debates on the subject were interrupted by a letter from the Superintendent of Finance: informing Congress that the situation of his department required that a committee sd. be appointed with power to advise him on the steps proper to be taken; and suggesting an appointmt. of one consisting of a member from each State, with authority to give their advice on the subject.³ This expedient was objected to as improper, since Congress wd. thereby delegate an incommunicable power, perhaps, and would at any rate lend a sanction to a measure without even knowing what it was; not to mention the distrust which it manifested of their own prudence & fidelity. It was at length proposed & agreed to, that a special committee consist-

ing of Mr. Rutledge, Mr. Osgood, & Mr. [Madison] should confer with the Superintend of Finance on the subject of his letter and make report to Congress. After the adjournment of Congress this Committee conferred with the Superintend who after being apprized of the difficulties which had arisen in Congress, stated to them that the last acct. of our money affairs in Europe shewed that contrary to his expectation and estimates there was $3\frac{1}{2}$ Million of livres short of the bills actually drawn, that further draughts were indispensable to prevent a stop to the public service; that to make good this deficiency there was only the further success of Mr. Adams' loan, and the friendship of France to depend on, that it was necessary for him to decide on the expediency of his staking the public credit on these contingent funds by further draughts, and that in making this decision he wished for the sanction of a Committee of Congress; that this sanction was preferable to that of Congress itself only as it wd. confide the risk attending bills drawn on such funds to a smaller number, and as secrecy was essential in the operation as well to guard our affairs in general from injury, as the credit of the bills in question from debasement. It was supposed both by the Superintend & the Committee that there was in fact little danger of bills drawn on France on the credit of the loan of 4 Million of dollars, applied for, being dishonored; since if the negotiations on foot were to terminate in peace, France would prefer an advance in our favor to exposing us to the necessity of resorting to G. B. for it; and that if the war sd. continue the necessity of such an aid to its prosecution would prevail. The result was that the Committee should make such report as would bring the matter before Congress under an injunction of secrecy, and produce a resolution authorising the Superintdt. to draw bills as the public service might require on the credit of applications for loans in Europe. The report the next day of the Committee to this effect was accordingly made & adopted unanimously.⁴ Mr. Dyer alone at first opposed it, as an unwarrantable & dishonorable presumption on the ability & disposition of France; Being answered however that without such a step, or some other expdt. which neither he nor any other had suggested, our credit would be stabbed abroad and the public service wrecked at home; and that however mortifying it might be to commit our credit, our faith & our honor to the mercy of a foreign nation, it was a mortification wch. cd. not be avoided without endangering our very existence; he acquiesced and the resol. was entered unanimously. The circumstance of unanimity was thought of consequence, as it wd. evince the more the necessity of the succor and induce France the more readily to yield it. On this occasion several members were struck with the impropriety of the late attempt to withdraw from France the trust confided to her over the terms of peace when we were under the necessity of giving so decisive a proof of our dependance upon her. It

was also adverted to in private conversation as a great unhappiness that during negotiations for peace, when an appearance of vigor & resource were so desirable, such a proof of our poverty & imbecility could not be avoided.⁵

The conduct of Mr. Howel &c. had led several & particularly Mr. Peters into an opinion that some further rule & security ought to be provided for concealing matters of a secret nature. On the motion of Mr. Peters a committee composed of himself Mr. Williamson &c. was appointed to make report on the subject.⁶ On this day the report was made. It proposed that members of Congress should each subscribe an instrument pledging their faith & honor not to disclose certain enumerated matters.

The enumeration being very indistinct and objectionable, and a written engagement being held insufficient with those who without it wd. violate prudence or honor, as well as marking a general distrust of the prudence & honor of Congress, the report was generally disrel-ished; and after some debate in which it was fully⁷ supported by Mr. Williamson, the committee asked & obtained leave to withdraw it.

A discussion of the report on the mode of valuing the lands was revived. It consisted chiefly of a repetition of the former debates.

In the evening according to appt. on Teusday last, the grand Committee met, as did the Superintendt. The chairman Mr. Wolcot informed the committee that Cols. Ogden & Brooks two of the deputies from the army had given him notice that Genl. McDougal the first of the deputation was so indisposed with a rheumatism as to be unable to attend, and expressed a desire that the Committee would adjourn to his lodging at the Indian queen tavern the deputies being very anxious to finish their business, among other reasons, on acct. of the scarcity of money with them. At first the Committee seemed disposed to comply; but it being suggested that such an adjournmt. by a Committee of a member from each State, would be derogatory from the respect due to themselves, especially as the Mission from the army was not within the ordinary course of duty, the idea was dropped. In lieu of it they adjourned to Monday evening next, on the ostensible reasons of the extreme badness of the weather which had prevented the attendance of several members.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:23–28.

¹ Between this and his preceding January 7 entry, Madison wrote "Wednesday Jan'y 8 ———," but reported no proceedings for the 8th.

² At this point Madison inserted an asterisk, to which he keyed the following note: "This proposed to require the States to value the land and return the valuations to Congress." For the report, which was "assigned for consideration" this day, referred to a grand committee on January 13, and eventually taken up in Congress on February 6, see *JCC*, 24:112–14; *PCC*, item 24, fols. 79–84; and Madison's Notes, January 13, 15, 31, February 4, 5–6, 1783.

³ For Morris' January 9 letter to Congress, see PCC, item 137, 2:107-8; and Morris, *Papers* (Ferguson), 7:287-88.

⁴ See JCC, 24:43-44.

⁵ At this point Madison inserted an asterisk, to which he keyed the following instructional note—"See Jany. 13, last page, & insert here what is there as of Friday 10th"—which has been followed in this text.

⁶ For the assignment of this committee (Richard Peters, John Taylor Gilman, and Hugh Williamson) on December 23, and its report submitted this day, see PCC, item 23, fols. 47-48, item 186, fol. 76; and JCC, 23:828-29.

⁷ Madison later inserted "faintly" above the line and crossed out "fully."

Phillips White to Josiah Bartlett

Sir Philadelphia Janry 9th 1783

I have not been favoured with a line from you, I want to hear how Publick affairs go on in New Hampshire, (the Eastward mail did not come in this week). We have no official account of the Evacuation of Charleston, but have no reason to doubt of the truth of it as published in the inclosed Newspaper.

The affair of Continantal Bills now remaining in the hands of individuals &c was debated yesterday in Congress.¹ It was put to vote to sink them at 40 for one, and at 75, both negatived, the members from those States that have more than their Quota did not wish to have it tried at a lower rate, some of the Southward members mentioned a much lower rate, there were more that voted for 40 than for 75, it was on the principle of policy, that rate being what it was set at March 18, 1780.

I perceive that the State of New Hampshire have been trying to raise more men for the Army which I am sorry for, as they have already more in the army than their proportion with most of the other States, and as Congress is at a loss to know what measures to take to Quiet the minds of those already on Duty, not only of New Hampshire line but of all the others. There is a Committee here from the Northern Army who have presented a memorial &c to Congress, of their grievances, both officers & soldiers are uneasy for want of present pay, & of the uncertenty of future pay, the Officers of half pay in particular.

Mr. Morris informed me that he had appointed Mr Stephen Gorham of Boston Commissioner on Continantal Accounts for the State of New Hampshire.² Doubtless there will be no objection to the appointment, he is a person of Integrity & ability has been employed in Committee for three years past on Continantal & other Publick accounts. I remain your Honours most Humble. Sert,

P White

RC (NN: Emmet Collection).

¹ This debate actually occurred on January 7. See Gilman to Weare, this date, note 1.

² This appointment of Stephen Gorham (1747-1826), a Boston merchant and brother of Massachusetts delegate Nathaniel Gorham, was approved by the New Hampshire assembly at its February session. *N.H. State Papers*, 10:607.

Eliphalet Dyer to William Williams

Dear Sir, or believe I may say Friend, Philadelphia Jany. [10?] ¹ 1783.

I wish I could write to you as free as I think, but I cannot, it is not prudent; God in his goodness has brot us to the beginning of a New Year. What Events this will bring forth God only knows. If His goodness was not and did not Extend far beyond our National deservings we should have no good to hope for or Expect. When we had sometime agoe the fairest prospects of Peace, how soon was our expectations blasted by a small incident even the death of one poor Mortal (the Marquis of Rockingham); a Strong Prospect again revived, Antecedent to the Providential Defeat at Gibraltar. What Effect that will have is not yet known, but why do we wish for Peace? will that put an end to the Calamities of an unreformed People or may not even that we so Ardently wish for be Attended with greater Internal Calamities. Tho I long for Peace, Yet I most earnestly Deprecate what may follow, but let us hope for the Best as the goodness of God is not Limited to our Deserts. I wish my self at home, but the severe season forbids, but I again ask my self why do I wish for that, shall I find the world better there than here? I know not. Here, you are in the midst of Dissipation, unbounded Avarice, a City of Gambles; in Congress I dare not say, but Divided Councils, Exhausted Finances, no plan, System or practical method that promises relief. How Divided? Why to be plain, 2 or 3 States govern the whole & that Influence used much against N England and they, NE, have Cement, Unconnected, & Divided Among themselves, tho I wish I could say that Connecticut was not the Butt the Mark. I fear too much so, tho Rhodisland is the hated Object. An Established fund at least, and solely to be applied to the payment of Interest on our funded Debts, seemed the only practical relief of our Credit, but when I came to find that the Resolve of Congress did not appropriate it to the Intrest but to that or other Debts as they pleased, I will own I was not very sorry that Rhodisland (tho I believe rather with selfish Views) defeated the Plan, & Virginia have rescinded their Vote, so we are all aground, what shall be done no one knows. We have now Genll McDougal with 2 Colls as a Comtee from the Army full of Complaints, but principally for want of pay, & no money to pay them, our Credit nearly at an end, New England have not paid an 8th part of last years tax, the Jerseys & Pensylvania about in proportion, farther southward (except a little from Maryland) not a farthing, tho South Carolina Claim the Credit of supplying the Army that way. Charlestown is now totally Evacuated by the Enemy; and South Carolina & Georgia wholly relieved. I know but little what has been doing for about 2 months past in Congress, I suppose Mr. Wolcott and Mr. Ellsworth have wrote as they have been here for sometime, tho unknown to me till my return from Trenton I



Eliphalet Dyer

found them here. York had again revived the affair of Vermont before I left Congress but could not prevail While I remained. Congress I percieve are Indeavouring to play the same game with them as Great Britain with America and believe after solemn plighted faith being Violated as they will call it right or wrong they are to expect no more Success. By a late Resolve threatning them with Authority & force if they do not Imediately restore the Persons & Estates of some dissaffected persons who had Undertaken to Undermine their Government and had taken offices under New York State to Execute their Laws on Vermont I believe will Nestle them. The last Declaration I made in Congress before I went to Trenton was to forewarn them against such measures as Vain, fruitless, ineffectual & which would only rebound with Contempt on their own heads; I did not think the measure would prevail, urged that the Motion from York might lye by till my return & for the New England States to be more fully represented, but as soon as gone York Influence carried every thing, & Congress will suffer the Contempt they have, against faithfull Warning brot on themselves. A principle matter which Governs against Acknowledging Vermont an Independent State (after a most solemn Engagement) is the Strength, weight & Influence it may in future give the New England States in Congress, Yet it seems no policy will influence New England; which brings me to the Unhappy Issue of our Late Tryal with Pensylvania,² Chargrind and dissapointed, I know you will say why did not we get the Cause postponed. We Indeavoured to the utmost of our power in Congress but in vain; we were there forced to proceed, we then had to agree upon our Judges. As I could not trust Congress in any one step thot it best to agree, & when we had agreed & as I thot a good Choice they found means to Induce one on whom we had great dependence Viz the late Govr Rutledge a Gentn of skill, ability & Integrity to refuse. That frustrated my plan much, but for reasons I can give you Verbatim, it was forced, and as we had finally agreed on 3 from Virginia, 2 from New England, Houston from the Jerseys, I will own I thot we were safe, but so Providence ordered the 2 from Virginia, one of which a learned Judge Jones, failed of attending, by means of which I believe Eventually we lost our Cause;³ a Cause of Magnitude indeed, & which on every legal ground & principle, as well as policy to the United States in General, the New England in particular ought to have been given in favor of Connecticut but Unhapily New England Judges I believe were most against us. They have merely given their opinion in short vs. Connecticut without reason or principle Assignd, & in one thing I will own they were wise, that is they agreed they would not ever give to the parties or any other person the reason or principle on which they founded their Judgement, for if they did I am sure every sensible Impartial man must Condemn them, but if we may Conjecture there is no doubt with me that they left every Legal solid

ground and took up the long Silence of Connecticut, the contest in Connecticut against the Claim, Govr Fitches letter calling of it a wild scheme in our people, & the cautious manner in which our assembly first treated the affair, and such kind of extraneous matter, with a little pleasure in dissappointing Connecticut in some, Winged away the cause against us; the Cause by Doctr Johnson & Coll Root was placed in every advantageous point of Light, they were Intent upon it for more than 40 days, they never exerted themselves better nor to more advantage. I cast in my mite, we were in no measure out done in Conncil or in the management of the Cause, by the Voice of the Judges or by slanders, but our cause is lost & I fear no remedy, tho the settlers by Confederation have still a right of Tryal & not (by the opinion of the Judges) to be affected by this as they would not Continue or delay the Cause to have them Cited and for that reason I am extreemly Anxious for them & Pity them with all my heart & wish their relief. I am promised a Copy of the Trial & Sentence &c this Evening which I mean to send to the Govr by Brown who sets off tomorrow morning. By the Way Congress have not accepted the Cession of Connecticut made of their Western Lands & tho they accepted New York, yet they would not Connecticut for fear it might have some influence in our favor on the Trial. Fail not to have that Cession revoked for yet beyond Pensylvania on the borders of Lake Erie &c we have the best tract of Country in America. At least leave a large tract of Country there for the benefit of the State, & only Cede that beyond as New York have done to what they have no Title. Use this letter with Caution, it is wrote in hast, I wish some was left out. Remember me to my friends & particular Acquaintance & believe me most Sincerely Yours,

Elipht Dyer

[P.S.] The reason I have not wrote to the Assembly is because Doctr Johnson & Coll Root two of their Agents have returnd home & will make any report of the Cause Needful. You are Certainly in Debt to me a letter or two and I sincerely request payment.

I forgot to mention a specimen of Partiality in a certain body with respect to the late Commisy Genll Trumbulls allowance. They are attempting every way to recede from their Grant or explain it away. I got the matter suspended till my return from Trenton; am attempting to bring the matter about if possible to have Justice done in some measure as to others & when prepared shall bring the matter on in Congress in a few days. Of this please to advise your brother Trumbull & that I shall imediately acquaint him when any thing is effected.⁴ Mrs Trumbulls kind regards to you & Mrs. Williams all well. When the roads settle & the blossoms begin to open, God Willing, shall make the best of my way home, but pray Importune for me with the Govr & Councill or of Safety for money to be sent me by Brown when Next comes. I cannot do without, my expenses are high, I am very moder-

ate but my Cloathing to take through a whole year of Various Sorts will nearly absorbe my Wages. I have sold my horses for little as they got lame and trust have to buy again before my return. I have done.

E D

Pensylvania Gentn some talk of being Very generous to the settlers. Their assembly are soon to meet when we shall know further [. . .]

RC (CtHi: Jonathan Trumbull, Jr., Papers).

¹ The content of this letter suggests that it was written early in January, and Dyer indicates that he will be sending it "by Brown who sets off tomorrow morning." Jesse Brown was a Connecticut messenger used regularly by Robert Morris, whose diary indicates that Brown was dispatched from Philadelphia on January 11. See Morris, *Papers* (Ferguson), 7:292.

² The proceedings and decree of the court on the Wyoming Valley dispute between Connecticut and Pennsylvania were laid before Congress on January 3. *JCC*, 24:6–32.

³ The judges who heard this case were Welcome Arnold of Rhode Island, David Brearly of New Jersey, Cyrus Griffin of Virginia, William C. Houston of New Jersey, and William Whipple of New Hampshire.

⁴ See Dyer's January 24 letter to Jonathan Trumbull, Jr., William's brother-in-law.

Alexander Hamilton to George Clinton

Sir, Philda. [January 12] 1783

I am honored with your excellency's letter of the 29th Decr. I have received an order from Col. Hay on Mr. Sands, which I have no doubt will shortly be paid. I have felt no inconvenience from not having the money sooner.

Since my last to you,¹ we have received no further accounts from Europe, so that we remain in the same uncertainty with respect to the negotiations for peace. Wether it will take place or not, is a problem of difficult solution. The duplicity and unsteadiness for which Lord Shelburne is remarkable will not justify any confidence in his intentions; and the variety of interests to be conciliated in a treaty of peace, with the best intentions on all sides must render it a work of difficulty. I suspect, too, the Spaniards and Dutch will have large demands.

We have now here a deputation from the army, and feel a mortification of a total disability to comply with their just expectations. If, however, the matter is taken up in a proper manner, I think their application may be turned to a good account. Every day proves more & more the insufficiency of the confederation. The proselytes to this opinion are increasing fast, and many of the most sensible men acknowledge the wisdom of the measure recommended by your legislature at their last sitting.² Various circumstances conspire at this time to incline to the adoption of it, and I am not without hope it may ere long take place. But I am far from being sanguine.

We are deliberating on some mode for carrying that article of the confederation into execution, which respects the valuation of lands to ascertain the quotas of the several states. None has yet been proposed, that appears to me eligible. I confess I dislike the principle altogether, but we are tied down by the Confederation.

The affairs of the grants have been no further touched since the resolutions transmitted to you.³ It is a business in which nobody cares to act with decision. As intimated before, I must doubt the perseverance of Congress, if military coercion should become necessary. I am clear the only chance the legislature have for recovering any part of the revolted territory is by a compromise with N. Hampshire, and this compromise must originate between the states themselves. I hope the legislature will revise the late act for confirming the possessions of those who hold lands in that country. I am certain there are doubts upon the subject, and it were much to be wished such doubts did not exist. The present dissatisfaction of the army is much opposed to any experiment of force in a service where scruples of interest or prejudice may operate.

I am, &c.

A. Hamilton

Reprinted from Hamilton, *Papers* (Syrett), 3:240–41.

¹ See Hamilton to Clinton, January 1, 1783.

² For the New York legislature's call for a convention to revise the Articles of Confederation, see Ezra L'Hommiedieu to Clinton, September 11, 1782, note 2.

³ See New York Delegates to Clinton, December 9, 1782.

James Madison's Notes of Debates

Monday Jany. 13 [1783].

Report on the valuation of land was referred to a G. Committee.¹ A motion was made by Mr. Peters 2ded by Mr. [Madison] "that a committee be appointed to consider the expediency of making further applications for loans in Europe, & to confer with the Superintdt. of Finance on the subject." In support of this motion Mr. P. observed that notwithstanding the uncertainty of success the risk of appearing unreasonable in our demands on France, and the general objections agst. indebted the U. S. to foreign nations, the crisis of our affairs demanded the experiment; that money must if possible be procured for the army and there was ground to expect that the Ct. of France wd. be influenced by an apprehension that in case of her failure & of a pacification, G. B. might embrace the opportunity of substituting her favours.² Mr. [Madison] added that it was expedient to make the trial because if it failed our situation cd. not be made worse, that it would be prudent in France & therefore it might be expected of her, to afford the U. S. such supplies as would enable them to disband

their army in tranquility, lest some internal convulsions might follow external peace, the issue of which ought not to be hazarded, that as the affections & gratitude of this Country as well as its separation from G. B. were her objects in the Revolution, it would also be incumbent on her to let the army be disbanded under the impression of deriving their rewards through her friendship to their Country; since their temper on their dispersion through the several States and being mingled in the public councils, would very much affect the general temper towards France, and that if the pay of the army could be converted into a consolidated debt bearing interest, the requisitions on the States for the principal might be reduced to requisitions for the interest, and by that means a favorable revolution so far introduced into our finances.

The Motion was opposed by Mr. Dyer because it was improper to augment our foreign debts, & would appear exuavagant to F. Several others assented to it with reluctance, and several others expressed serious scruples as honest men agst. levying contributions on the friendship, or jealousy of France or others, whilst the unwillingness of the States to invest Congress with permanent funds rendered a repayment so precarious. The motion was agreed to, and the Committee chosen Mr. Ghoram, Mr. Peters, Mr. Izzard.

In the evening according to appointment the G. Committee gave an audience to the deputies from the army, viz Genl. McDougal & Cols. Ogden & Brooks. The first introduced the subject by acknowledging the attention manifested to the representations of the army by the appt. of so large a committee. His observations turned chiefly on the 3 cheif topics of the memorial, namely an immediate advance of pay, adequate provision for the residue, and half pay. On the first he insisted on the absolute necessity of the measure to soothe the discontents both of the officers & Soldiers, painted their sufferings & services, their successive hopes & disappointments throughout the whole war, in very high coloured expressions, and signified that if a disappointment were now repeated the most serious consequences were to be apprehended; that nothing less than the actual distresses of the army would have induced at this crisis so solemn an application to their country, but that the seeming approach of peace, and the fear of being still more neglected when the necessity of their services should be over, strongly urged the necessity of it. His two colleagues followed him with a recital of various incidents & circumstances tending to evince the actual distresses of the army, the irritable state in which the deputies left them and, the necessity of the consoling influence of an immediate advance of pay. Col. Ogden said he wished not indeed to return to the army if he was to be the messenger of disappointment to them. The deputies were asked 1st what particular steps they supposed would be taken by the army in case no pay cd. be immediately

advanced; to which they answered that it was impossible to say precisely, that altho' the Sergeants & some of the most intelligent privates had been often observed in sequestered consultations, yet it was not known that any premeditated plan had been formed; that there was sufficient reason to dread that at least a mutiny would ensue, and the rather as the temper of the officers, at least those of inferior grades, would with less vigor than heretofore, struggle agst. it. They remarked on this occasion, that the situation of the officers was rendered extremely delicate & had been sorely felt, when called upon to punish in Soldiers a breach of engagements to the public which had been preceded by uniform & flagrant breach by the latter of its engagements to the former. General McDougal said that the army were verging to that state which we are told will make a wise man mad, and Col. B. said that his apprehensions were drawn from the circumstance that the temper of the army was such that they did [not]³ reason or deliberate coolly on consequences, & therefore a disappointment might throw them blindly into extremities. They observed that the irritations of the army had resulted in part from the distinctions made between the Civil & military lists, the former regularly receiving their salaries, and the latter as regularly left unpaid. They mentioned in particular that the members of the Legislatures would never agree to an adjournment with[out] paying themselves fully for their services. In answer to this remark it was observed that the Civil officers on the average did not derive from their appointments more than the means of their subsistence; and that the military altho not furnished with their pay properly so called were in fact furnished with the same necessities.

On the 2d point to wit "adequate provision for the general arrears due to them," the deputies animadverted with surprize and even indignation on the repugnance of the States, some of them at least, to establish a fœderal revenue for discharging the fœderal engagements. They supposed that the ease not to say affluence with wch. the people at large lived sufficiently indicated resources far beyond the actual exertions, and that if a proper application of these resources was omitted by the Country & the army thereby exposed to unnecessary sufferings, it must naturally be expected that the patience of the latter wd. have its limits. As the deputies were sensible that the general disposition of Congress strongly favoured this object, they were less diffuse on it. Genl. McDougal made a remark wch. may deserve the greater attention as he stepped from the tenor of his discourse to introduce it, and delivered it with peculiar emphasis. He said that the most intelligent & considerate part of the army were deeply affected at the debility and defects in the federal Govt. and the unwillingness of the States to cement & invigorate it; as in case of its dissolution, the benefits expected from the Revolution wd. be greatly impaired, and as in particular, the contests which might ensue amg. the States would be sure to embroil the officers which respectively belonged to them.

On the 3d point to wit "half pay for life" they expressed equal dissatisfaction at the States which opposed it, observing that it formed a part of the wages stipulated to them by Congress & was but a reasonable provision for the remnant of those lives which had been freely exposed in the defence of their country, and would be incompatible with a return to occupations & professions for which military habits of 7 years standing unfitted them. They complained that this part of their reward had been industriously and artfully stigmatized in many states with the name of pension, altho' it was as reasonable that those who had lent their blood and services to the public shd. receive an annuity thereon, as those who had lent their money; and that the officers whom new arrangements had from time to time excluded, actually laboured under the opprobrium of pensioners, with the additional mortification of not receiving a shilling of the emolumts. They referred however to their Memorial to shew—that they were authorised & ready to commute their half pay for any equivalent & less exceptionable provision.

After the departure of the deputies, the Grand Committee appointed a subcommittee consisting of Mr. Hamilton, Mr. Madison & Mr. Rutledge to report arrangements in concert with the Superintendent of Finance for their consideration.⁴

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:30–35.

¹ Secretary Charles Thomson made no entry in the journals of Congress for this day, but for the report on "valuation" see Madison's Notes, January 9–10, note 2.

² Madison apparently wrote "succours" originally and later penned "favours" above the word.

³ Madison later inserted "not" above the line.

⁴ For the grand committee's report, see Madison's Notes, January 24, 1783.

James Madison's Notes of Debates

Teusday Jany. 15th [*i.e.*, 14] 1783.

Congress adjourned for the meeting of the Grand Committee to whom was referred the report concerning the valuation of the lands, and who accordingly met.¹

The Committee were in general strongly impressed with the extreme difficulty & inequality if not impracticability of fulfilling the article of Confederation relative to this point; Mr. Rutledge however excepted, who altho' he did not think the rule so good a one as a census of inhabitants, thought it less impracticable than the other members. And if the valuation of lands had not been prescribed by the federal articles, the Committee wd. certainly have preferred some other rule of apportionment, particularly that of numbers under certain qualifications as to Slaves. As the federal Constitution however

left no option, & a few² only were disposed to recommend to the States an alteration of it, it was necessary to proceed 1st. to settle its meaning—2dly. to settle the least objectionable mode of valuation. On the first point, it was doubted by several members wher. the returns which the report under consideration required from the States would not be final and whether the Arts. of Confn. wd. allow Congress to alter them after they had fixed on this mode; on this point no vote was taken. A 2d question afterwards raised in the course of the discussion was how far the Art. required a specific valuation, and how far it gave a latitude as to the mode. On this point also there was a diversity of opinions, but no vote taken.

2dly. As to the mode itself referred to the Gd. Committee, it was strongly objected to by the Delegate from Cont. Mr. Dyer, by Mr. Hamilton, by Mr. Wilson, Mr. Carroll & Mr. M[adison], as leaving the States too much to the bias of interest, as well as too uncertain & tedious in the execution. In favr. of the Rept. was Mr. Rutledge the father of it, who thought the honor of the States & their mutual confidence a sufficient security agst. frauds & the suspicion of them. Mr. Ghoram favd. the report also, as the least impracticable mode, and as it was necessary to attempt at least some compliance with the fœderal rule before any attempt could be properly made to vary it. An opinion intertained by Massachusts that she was comparatively in advance to the U. S. made her anxious for a speedy settlement of the mode by which a final apportionment of the common burden cd. be effected. The sentiments of the other members of the Committee were not expressed.

Mr. Hamilton proposed in lieu of a reference of the valuation to the States, to class the lands throughout the States under distinctive descriptions, viz arable, pasture, wood &c. and to annex a uniform rate to the several classes according [to] their different comparative values calling on the States only for a return of the quantities & descriptions. This mode would have been acceptable to the more compact & populous States, but was totally inadmissible to the Southern States.

Mr. Wilson proposed that returns of the quantity of land & of the number of inhabitants in the respective States sd. be obtain'd, and a rule deduced from the combination of these data. This also would have affected the States in a similar manner with the proposition of Mr. H. On the part of the So. States it was observed that besides its being at variance with the text of the Confederation it would work great injustice, as would every mode which admitted the quantity of lands within the States, into the measure of their comparative wealth & abilities.

Lastly it was proposed by Mr [Madison] that a valuation sd. be attempted by Congress without the intervention of the States. He

observed that as the expence attending the operation would come ultimately from the same pockets, it was not very material whether it was borne in the first instance by Congress or the States, and that it at least deserved consideration whether this mode was not preferable to the proposed reference to the States.

This conversation ended in the appt. of a Subcommittee consisting of Mr. M[adison], Mr. Caroll & Mr. Wilson who were desired to consider the several modes proposed, to confer with the Superintendt. of Finance, & make such report to the Gd. Come. as they sd. judge fit.³

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:35–39.

¹ See Madison's Notes, January 9–10, 1783, note 2.

² At this point Madison inserted an asterisk to which he keyed the following note: "Mr. Hamilton was most strenuous on this point. Mr. Wilson also favd. the idea. Mr M[adison] also but restrained in some measure by the declared sense of Virga. Mr. Ghoram, & several others also, but wishing a previous experimt."

³ For the work of this subcommittee, which held a conference with Robert Morris on January 31, see Madison's Notes, January 31, 1783.

James Madison to Edmund Randolph

My dear Sir

Philada. Jany 14. 1783¹

Yesterday's post having arrived without a mail from Virga. I was disappointed of the pleasure of a letter from you.

All the foreign articles which have come to hand are published in the inclosed gazette of this morning. The evacuation of Charleston is at length reduced to certainty by the publications in the N. York paper and we expect every moment an official report of it from Gel Greene.

The deputies from the army are still here. The explanations which they have given to a Committee on the topics of the Memorial are of the most serious nature. I wish they could with propriety be promulged throughout the U.S. They would I am sure, at least put to shame all those who have laboured to throw a fallacious gloss over our public affairs, and counteracted the measures necessary to the real prosperity of them.

The deliberations of Congress have been turned pretty much of late on the valuation of lands prescribed by the articles of confederation. The difficulties which attend that rule of apportionment seem on near inspection to be in a manner insuperable. The work is too vast to be executed without the intervention of the several States, and if their intervention be employed, all confidence in an impartial execution is at end.

I have not been able to find sufficient leisure for taking the copies which you asked & which I promised. I am the less uneasy at the delay as the conveyance by the post is rendered so precarious by the weather.

Doctr. Shippen desired me to obtain an answer from you on the case of Mr. Cuthburt, and particularly whether you are likely to recover any thing for him.²

Mr. Jefferson has not yet taken his departure. We hope the causes which have prevented it will not continue many days longer.

RC (DLC: Madison Papers). In Madison's hand, though not signed. Madison, *Papers* (Hutchinson), 6:40-41.

¹ Edmund C. Burnett misdated this letter January 16, 1783. Burnett, *Letters*, 7:19.

² For Dr. William Shippen, Jr.'s interest in the case of Anthony Cuthbert and Randolph's reply, see Madison, *Papers* (Hutchinson), 6:41n.8, 185.

Virginia Delegates to Benjamin Harrison

Sir

Philada. 14th Jany. 1783.

The post having brought no mail yesterday from Virginia we have not the pleasure of acknowledging by his return any letter from your Excellency.

Congress have not recd. since the last post any official information from Europe. The gazette inclosed contains such as has come from that quarter through other channels.

The evacuation of Charlestown has at length been published from N. York, and no doubt remains of its reality. But no official report of it from Genl. Greene has yet reached us.

The deputies from the army have been heard by a Committee of Congress on the subject of their memorial. Their explanations on the several topics contained in it are deeply affecting; and demonstrate the necessity of every possible effort for their relief. The result of the deliberations of Congress for that purpose will be the subject of a future letter to your Excellency.

We have the honor to be with great respect yr. Excy's Obt. & Humble servts.

Jos. Jones

J. Madison Jr.

RC (PHi: Dreer Collection). Written by Madison who signed for both himself and Jones, whose health was precarious at this time. Madison, *Papers* (Hutchinson), 6:39-40.

Oliver Ellsworth to Abigail Ellsworth

Philada. Jany. 15th. 1783. "I have not yet had the satisfaction of hearing a word from home since I left it. . . .

"I think it probable at present that I may be able to make you a visit by about the 10th of Feby.—without leaving the State unrepresented as Colo. Dyer will stay in Congress till spring. It was uncertain how long he would be taken off with the Susquehannah Cause, but that is

now finished & leaves him at liberty to attend the business of Congress & he does not wish to set out f[rom here] with his daughter until the severity of winter shall be over. It is possible howe[ve]r I may be disappointed but I hope not. If I come at that time I shall expect to return here again after a few weeks & relieve Colo. Dyer & probably then stay till late in the spring."

RC (CtHi: Ellsworth Papers).

James Madison's Notes of Debates

Wednesday Jany. 15 [1783].

A letter dated 19th December from Genl Greene was recd. notifying the evacuation of Charlestown.¹ It was in the first place referred to the Secy of Congs for publication,² excepting the passage which recited the exchange of prisoners, which being contrary to the Resolution of the 16 of Ocr. agst. partial exchanges, was deemed improper for publication. It was in the next place referred to a come. in order that some complimentary report might be made in favor of Genl. Greene & the Southn. army. Doctr. Ramsay havg come in after this reference and being uninformed of it, moved that a Committee might be appointed to devise a proper mode of expressing to Genl. Green the high sense entertained by Congress of his merits & services. In support of his motion he went into lavish praises of Gl. Greene, and threw out the idea of making him a Lieutenant. General. His motion being opposed as somewhat singular and unnecessary after the reference of Gl. Greene's letter, he withdrew it.³

A letter was rcd. from Genl. Washington inclosing a certificate from Mr. Chittenden of Vermont acknowledging the receipt of the communication which Gl Washington had sent him of the proceedings of Congress on the day of .⁴

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:42–43.

¹ Nathanael Greene's December 19 letter to the president of Congress is in PCC, item 155, 2:603–6.

² And was "Published by Order of Congress" by Secretary Charles Thomson in the *Pennsylvania Packet* of January 16, and the *Pennsylvania Journal* of January 18.

³ See PCC, item 36, 2:13; and JCC, 24:46–47.

⁴ See Elias Boudinot's letters to Thomas Chittenden and to Washington of December 11, 1782, and Boudinot to Washington, January 16, 1783.

Oliver Wolcott to Oliver Wolcott, Jr.

Sir.

Philadelpa. 15th Janry. 1783

I have this instant recd. your Favour of the 30th ultimo, and am glad to be informed by it that you have obtained one principal object

which you had in Veiv in making your Journey to Litchfield. Mr Ellsworth says that you will succeed in the Business which you propose. I am Very glad that he has a good Opinion of you, as there is no one whose Freindship would be more Serviceable to you; And as he is a Gentleman of great candor and Integrity, as well as in high Reputation in his Profession, you will I doubt not Merit that Regard from him, which I beleive he is inclined to bestow.

I will enquire what Law Books may be purchased in this Town, at present they are doubtless Very dear, and probably Scarce. If a Peace shall soon take place (of which at present no certain Opinion can be formed) Books will fall exceedingly. I think that it may be well for you to Send me a List of Such as you would Wish to get, as I shall then be able to give you a more Satisfactory answer than I can at present.

I thot that Mr. Goodwin had regularly recd. all the weekly news Publications of this City, but as it seems he does not I shall Attend to the Object of his Wishes, and shall See how yours Shall be also gratified.

I am Satisfied with Regard to your Conduct respecting your Administration. I know that the Government will Accept their own Notes, now due in Discharge of Mr Sheldon's Debt, and therefore you may do well to comply with his offer. You must get money from some of these People to defrey Expences. Perhaps he may consent to advance a small Ballance on this Account.

With Regard to the Town Matters of Litchfield I am not much Surprized at them, They will run more and more in that Channel as long as the two Priests of that Town hold their Offices. The one will get what I have been long convinced the other would be perpetually losing. If (besides other Considerations it shall be the road of Ambition) the Declension will be much Accelerated.

I expect that I shall be able to Send you Genl. Green's Letter respecting the Evacuation of Charlestown as it is about to be published.¹ It is Said that the enemy carried off about seven Thousand Negroes. Those Fellows destind to be wretched will receive no Benefit by their change of Masters. There has been a general Exchange of all our People in Captivity or under Parole including Militia Men and Citizens taken by the Enemy's Southern Army.

We have no News Very Material from Europe but what you will find in the Papers. We must therefore wait to know wheather G Britain Seriously means to prosecute her Negotiation for the Reestablishment of Peace. The Merchants here are in Anxious Suspense—the shopkeepers do not at present incline to Purchase. A Lye was started a few days ago that the English ministers had by an order of the French Court left Paris, this Story of about Six Hours continuance effected the Sale of Several Thousands of Weights of Sugar besides other merchandise, But it probably cannot be repeated with equal Success.

The great State of R Island has put her Veto upon a Measure judged Necessary by every other State and wheather any other Persuaves than such as were wont to be made use of by polish Electors will convince them of their error I am not able to Say. Virginia it is Said has repealed her Act Vesting a Power in the U States to collect the Imports. How We are to Support our foreign Credit without establishing a certain Revenue I am not Able to conceive, if Something more effectual shall not be done, to support National Credit, We have Reason to fear Consequences the most distressing. The money collected by the States is Very inconsiderable, and no certain advise has been recd. that one or Two of them has collected any for the Service 1782.

A Committee of the Army are attending Congress for Pay, and for a more effectual Security for the Emoluments which the Acts of Congress intituled them to Their Application is gone to a Committee who have not yet reported.

It is in Contemplation to order a Valuation of the Lands and Houses of the respective States agreably to the Articles of Confederation, which perhaps will be adopted, but I fear that the Difficulty of carrying such a Measure into Execution will only discover its insufficiency.² And unless some other Principle shall be adopted more certain and definite upon which the pecuniary Assessments shall be made I shall not Apprehend that any Thing material will be done. But however we must Attempt to proceed upon such Principles as are agreed to, till others can be established, I hope that some Proposals will be made to the States to adopt more adequate Principles.

The Legislature of this State have met this day. I have thot it my Duty to make all the Interest in my Power that this State shall quiet the Susquehannah settlers.³ I think that they will do it, and I hope liberally. I have spoken to Sundry influencing Gentlemen upon the Subject who seem to be well inclinded, And very frankly declare that they will do all in their Power to Satisfy and establish the Settlers in their Possessions. If this shall be effected which I have but little doubt of, it will prevent a Number of innocent People from suffering that Distress, which they ought to have been secured against by a Stipulation previous to the Tryal of the Cause.

By the Blessing of God I enjoy Health. I have already wrote you two hasty Letters. You will frequently write to me. I shall wish to know wheither Frederick is at the College, and how he behaves himself.

You will present my Compliments to Mr Lyman and Mr. Mosely—and if they will Favour me with their Letters I will duly Acknowledge them.

May the divine Being guide, protect and Bless you. Yours with the kindest Regard,

Oliver Wolcott

P.S. I wish that you would let me know wheather in your Opinion the Sept. 2d Tax is so collected that the Treasr could discharge a Draft upon him of perhaps one hundred or one hundred and fifty pounds

upon my Application. Upon farther tho't I will take yr. Advice and write to the Treasr upon the Subject; And obtain his Answer.⁴

RC (CtHi: Oliver Wolcott, Jr., Papers).

¹ See the preceding entry, note 2.

² See James Madison's Notes of Debates, January 13 and 14, 1783.

³ For Pennsylvania's plan to "quiet the Susquehannah settlers," see *Susquehannah Co. Papers*, 7:265-67.

⁴ If Wolcott wrote to Connecticut treasurer John Lawrence, the letter has not been found.

Elias Boudinot to William Greene

Sir, Philadelphia 16th January 1783.

Agreeably to the directions of Congress I have the honor of enclosing to your Excellency certified copies of several Acts of Congress, on which there needs no comment.¹

The necessity of preventing partial and unconnected Extracts taken from the letters of our confidential Servants at Foreign Courts, from becoming public, is too obvious to require me to enforce the opinion of Congress on that head; as from such a measure all confidence in Congress, by our Allies and Ministers abroad, would be necessarily foreclosed.²

I have the honor to be, with great respect, Your Excellency's Obedient & very humb. Servt.
Elias Boudinot

RC (R-Ar: Letters to Governors). In a clerical hand and signed by Boudinot.

¹ For this rebuff to Jonathan Arnold's and David Howell's efforts to send Rhode Island officials copies of dispatches relating to foreign loans to support their claim that ratification of the impost amendment was not essential to maintaining American credit abroad, see *JCC*, 24:32-36, 45-46. See also James Madison's Notes of Debates, January 3, note 3; and Jonathan Arnold to Greene, January 8, 1783.

² For the inconclusive end of this "extract controversy," climaxed by the Rhode Island Assembly's affirmation of their approval of Arnold's and Howell's conduct, which was communicated to Congress in a March 18 letter from Governor Greene, see *PCC*, item 64, fols. 530-35; Bartlett, *Records of R.I.*, 9:654, 666-67; and Irwin H. Polishook, *Rhode Island and the Union, 1774-1795* (Evanston, Ill.: Northwestern University Press, 1969), pp. 91-93.

Elias Boudinot to Lewis Pintard

My dear Sir, Philadelphia Jany 16th 1783

I have but a Moment or two to acknowledge the rect. of your Favour of the 12th Instt. Yesterday we recd the Official Acct. of the Evacuation of Charles Town. Genl. Greene entered it on the 14th

Ultimo. In the Papers enclosed you have Extracts from his Letter. The Enemy carried off 5000 Troops, which far exceeded our Ideas of their Strength. Genl Greene lay within 13 Miles of them, tho his Army did not consist in the whole of every denomination of more than 2000 Men.

They took off about 7000 Negroes, which they had plundered from the Inhabitants. I am sensible that the difficulties you mention as attendant on your Office, will & must ensue—but I am Confidant you have gone too far to recede, and that you will not give Satisfaction, unless you make the Experiment and let your Objections be the result of Experience. As to the Arrangement of Vouchers, tho' this may be necessary, yet you may proceed on others that are ready for settlement. Indeed I think you should receive in all applications & then fix days for final Settlement—which will save great Trouble in attendance. Mr Morris has no authority to settle Prices, & Congress can never descend to the minutia of detail. I have paid Mr Robertson 95 Dollars more on Acct. as on my last & belonging to the same Person

The Card Racks, are the same identical Things you refer to, made of tin, Japanned, about 14 Inches long, with a Memorandum of the Days of the week, as some People are very apt to forget them in the hurry of Business—to prevent which they are tolerable good *Contrivances*. You undoubtedly fixed on *the best pair of Branches* as I know your Judgment is so good, that you could not be mistaken especially as there is but that one pair in the House. Those purchased of Mr. H—— being here already. As to the Logs I meant that some should be cut as well as haled, which Mr. Southerd said he could do in the hard weather. As it is a matter of so much Importance that you should *know with Certainty* whether a Peace will take Place; or not, in order to ascertain the quantity of wood necessary to be cut, I would advise you for the Present *by way of diversion*, to get not more than 20 Cords and I will let you know positively by the Middle of May, whether we shall have Peace next Spring or not.

I have recd another Pacquet from Marsden, the Communciation is encreased via St. Thomas's, Teneriffe, Grenada &c.

I obtained the Bills from Sammy amounting to £129.10. Sterl. dated Decr 30th 1782—so that I must beg the favour of you to send me the Note with a proper discharge in his Favour.

Hanny & Susan Join me in Love &c &c—Patty is at School & well. Remember us to all Friends as if named & tell Mr Van Zandt I have recd & forwarded his Letter.

Remember us also to old Mama.

Am Dr Sir, Yours very Afftly,

B

Elias Boudinot to George Washington

Dear Sir,

Philadelphia 16th Jan. 1783.

Your Excellency's letter of the 8th instant, enclosing Mr. Chittendon's receipt, came safe to hand and was duly laid before Congress.¹

I have also the honor to acknowledge the receipt of your Excellency's private letter of the same date,² enclosing the Bank Notes for 95 Dollars on account of the late Revd. Mr. Caldwell's Children. I cannot but again repeat in behalf of these distressed Orphans, the high sense I have of your Excellency's benevolence and affection on this occasion.

Enclosed is a copy of the official letter of Genl. G[reene] announcing the evacuation of Charles Town.³ On [this] important event I most sincerely cong[ratulate your] Excellency and the Army, as it must be [productive of the] most happy consequences to the com[mon Cause.]

I have the honor to be, with the highest respect and esteem, Dr Sir, Your Excellency's Most Obedient & very humb. Servt

Elias Boudinot

RC (DLC: Washington Papers). In a clerical hand and signed by Boudinot.

¹ Washington's January 8 letter and the enclosed December 28 "Certificate" from Thomas Chittenden acknowledging receipt of Boudinot's December 11 letter to him, are in PCC, item 152, 11:53-57.

² See Washington, *Writings* (Fitzpatrick), 26:17.

³ See James Madison's Notes of Debates, January 15, note 1.

William Floyd to George Clinton

Sir,

Philadelphia Jan. 16th 1783

Major Burnet has now Arrived with Official Information of the Evacuation of Charlestown,¹ And from the Letters which has been recd. the Enemy has left that town in better Condition than was Expected. It is said that they Carried of between 6 and 7,000 Negroes at the time they left it.

No late accounts Respecting the Negotiations for peace; tho from General Appearances, my hope and Expectation is, that it will take place, tho Intelligence that we may Receive within three Weeks will probably Satisfie us on that head. Our latest accounts from Europe are in the papers Inclosed, to which I must beg leave to Refer for the news.

The Chancellor² I expect has arrived in the State before now; he sometime ago Sent his Resignation to Congress of his office of Secretary of foreign Affairs which Congress Accepted, for the Reasons which he assigned, Since which time Congress has Requested him to

perform the Duties of the Office During the Winter Except Such part of the time as will be necessary for him to be in the State of New York.

I shall not fail to communicate to your Excellency Every matter of Consequence that I may be at Liberty to do that shall Relate to the Interest of these States in General, or to the Interest of our State in particular.

I Yesterday Recd a Letter from my Son³ at Middletown; he was in a bad state of health when he wrote. I am afraid he will not get Clear of that fever—perhaps Mr L'hommedieu will be at the Legislature when this Comes to hand. I hope he will write me Respecting my Sons health.

My best Respects to Mrs. Clinton, and am, Sir, your Excellencys most Obedt and humble Servt,
Wm. Floyd.

Reprinted from Clinton, *Papers* (Hastings), 8:62–63.

¹ See James Madison's Notes of Debates, January 15, note 1.

² That is, Robert R. Livingston.

³ That is, Nicoll Floyd (1762–1852).

John Taylor Gilman to Josiah Bartlett

Sir

Philada. Jany 16th. 83.

On the 15th Instt. I received your favor of the 28th Ultimo. Their was no Mail from New England last week, the Mail of this week (tho. it usually comes in on Monday mornings) did not arrive untill yesterday,¹ Mr. White received your Letter of the 23d per same.²

Am sorry to find that the Honble Court have not made any order on the Subject of Vermont affairs. Some time past I was Induced to think, this business would have been settled Speedily, but that prospect has almost Vanished, it has been repeatedly debated and might now be taken up again if their was any prospect of any thing being done towards a Conclusion of it. You mention the Subject of Depreciation &c., I have no Copy of my Letter to you of the 9th Instt. but think I Mentioned, that a Commtee. of Officers from the Army was here; the Subject of those Settlements, Half-Pay &c. is now under Consideration.

As to the Frigate you Mention, she run on Shore in a Storm, Cut away her Masts &c. (which were lost) but is got off, & now here.

Yesterday Dispatches were received from Genl. Greene respecting the Evacuation of Charlestown, the Enemy left it very Quietly in Consequence of an Agreement that they should not be Molested on their Retiring; the Southern States are Once more freed from the Enemy, I wish they would be so wise as to Quit New-York & Penobscot immediately, they have Traversed our Country, (almost every part of it) but their present possessions are small.

As to a General Peace I have wrote my Sentiments per Genl. Whipple and it is Unnecessary to repeat them.

Genl. Whipple spent several Days here,³ I conversed with him very freely on the Subject of Vermont & several other matters. He informed me, that if the next meeting of the Assembly should be at Exeter, that he would go there for the purpose of giving such information as he had obtained here respecting our affairs and to him I must beg leave to refer you. Have now under Consideration a Mode for Ascertaining the Quotas of each State agreeably to the articles of Confederation.

Our Letter of the 11th Ultimo⁴ mentioned our desire that Delegates might be Appointed to relieve us the beginning of April, if am not Informed whether any Appointments have been made, if not hope it will be done early next session which (by your Letter) appears probable will be in February tho. I am not Informed to what time the Assembly did adjourn—another part of that Letter was on the Supply of Money which hope will be seasonably provided.

By the Paper I see their is a very great proportion of New Members in the Assembly wish it may prove to be for the Interest of the State.

I wrote you a Letter on the 23d Octr. but have not been informed whether it reached you.

What is done respecting the New Constitution? What is doing with the Confiscating Act? Who are Members of the Commtee. of Safety?

Have no Official Accounts from Europe of later date than I have Mentioned in former Letters.

Please to make my Compliments to my Friends with you. I am, with much Esteem, Your Obedt. Servt.

John Taylor Gilman

P.S. Mr. White desires his Compliments to you.

RC (NhD: Bartlett Papers).

¹ That is, Wednesday.

² Neither of Bartlett's letters mentioned in this paragraph have been found.

³ William Whipple, receiver of Continental taxes for New Hampshire and one of the judges in the proceedings at Trenton on the Connecticut-Pennsylvania territorial dispute, had recently visited the superintendent of finance to discuss the collection of taxes. See Morris, *Papers* (Ferguson), 7:282.

⁴ See New Hampshire Delegates to Meshech Weare, December 11, 1783.

John Taylor Gilman to Meshech Weare

Sir

Philada. Jany 16th. 1783.

Your favor of the 30th Ultimo¹ (on the Subject of Vermont affairs) came to hand yesterday. Am Sorry to find that the Honble the Legislature have not given any direction in that matter. The Legislature of New York are now in session, and from some information which I have had this Day, think it is probable they will repeal their Act by

which the Decision of this matter was Submitted to Congress. If it should be proposed (in the present State of this matter, and without Deciding on the Question of their Independence) that it be recommended to New York and New Hampshire to adjust this matter between themselves (reserving to Massachusetts the Right of Claiming and a Trial upon the principles of Confederation) and that Congress pledge themselves for carrying their agreement into Effect, How Ought we to Vote on the Question?

For my part I feel Embarrassed by that part of the act of 1779 by which a Special Agent is appointed² and other Instructions heretofore given on that Subject.

I have Conversed freely with Genl. Whipple on the Subject at large, he has had Oppority. to Converse with others and will give full Information.

Have no News to write, more than is in the Papers Inclosed. I have the Honor to be, Your most Obedt. Servt. John Taylor Gilman

RC (Nh-Ar: Vermont Controversy).

¹ A draft of Weare's December 30 letter to Gilman is in the Weare Papers, MHi.

² Undoubtedly a reference to the appointment on November 4, 1779, of Samuel Livermore as a special agent "to support the claim of this State to the New Hampshire Grants," for which see *N.H. State Papers*, 8:834; and these *Letters*, 14:xxviii-xxix, 384-85n.1, 498.

James Madison's Notes of Debates

Thursday Jany. 16 [1783].

Mr. Rutledge informed Congress that there was reason to apprehend that the train of negotiations in Europe had been so mis-represented in the State of S. Carolina as to make it probable that an attempt might be made in the Legislature to repeal the confiscation laws of that State, & even if such attempt sd. fail, the misrepresentations cd. not fail to injure the sale of the property confiscated in that State. In order therefore to frustrate these misrepresentations he moved that the Delegates of S. Carolina might be furnished with an extract from the letter of the 14th of Ocr. from Docr. Franklin, so far as it informed Congress, "that something had been mentioned to the American Plenipotentiaries relative to the Refugees & to English debts, but not insisted on: it being answered on their part that this was a matter belonging to the individual States and on which Congress cd. enter into no Stipulations."¹ The motion was 2ded by Mr. Jarvais & supported by Mr. Ramsay. It was opposed by Mr. Elseworth & Mr. Wolcott as improper, since a communication of this intelligence, might encourage the States to extend confiscations to British debts, a circumstance which wd. be dishonorable to the U. S. & might embarrass

a treaty of peace. Mr. Fitzimmons expressed the same apprehensions. So did Mr. Ghorum. His Colleague Mr. Osgood was in favr. of the motion. By Mr.[Madison] the motion was so enlarged and varied as "to leave *all* the delegates at liberty to communicate the extract to their Consents. in such form & under such cautions as they sd. judge prudent." The motion so varied was adopted by Mr. R. & substituted in place of the original one. It was however still opposed by the opponents of the original motion. Mr. M[adison] observed that as all the States had espoused in some degree the doctrine of confiscations, & as some of them had given instructions to their delegates on the subject, it was the duty of Congress without enquiring into the expediency of Confiscations, to prevent as far as they cd. any measures which might impede that object in negotiations for peace, by inducing an opinion that the U. S. were not firm with respect to it; that in this view it was of consequence to prevent the repeal & even the attempt of a repeal of the confiscation law of one of the States, and that if a confidential communication of the extract in question would answer such a purpose, it was improper for Congress to oppose it. On a question the motion was negatived, Congress being much divided thereon. Several of those who were in the negative, were willing that the Delegates of S. Carolina sd. be licenced to transmit to their State what related to the Refugees, omitting what related to British debts and invited Mr. R. to renew his motion in that qualified form. Others suggested the propriety of his contradicting the misrepresations in general without referring to any official information recd. by Congress. Mr. R. said he wd. think further on the subject, and desired that it might lie over.²

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:46–48.

¹ In his October 14, 1782, letter to Secretary Robert R. Livingston, which had been referred on December 27 to a committee of which Rutledge was a member, Benjamin Franklin had stated that "Something has been mention'd about the Refugees and English Debts; but not insisted on, as we declar'd at once that whatever Confiscations had been made in America, being in Virtue of the Laws of the particular States, the Congress had no authority to repeal those Laws, and therefore could give us none to stipulate for such Repeal." See PCC, item 82, 2:281–84; and Wharton, *Diplomatic Correspondence*, 5:811.

² There is no mention of this debate in the journals of this date, but for its renewal after Congress ratified the preliminary articles of peace in April, see Madison's Notes, May 9, 14, 20, 30, 1783.

James Madison's Notes of Debates

Friday Jany. 17th [1783].

The Committee on the motion of Mr. Peters of the _____ day of _____

1 relative to a further application for foreign loans, reported that they had conferred with the superintendt. of Finance,² & con-

curred in opinion with him, that the applications already on foot were as great as could be made prudently, until proper funds should be established. The latent view of this report was to strengthen the argt. in favr. of such funds, and the report it was agreed should lie on the table to be considered along with the report which might be made on the memorial from the army, & which wd involve the same subject.

The report thanking Gel. Greene for his Services was agreed to without opposition or observation. Several however thought it badly composed, and that some notice ought to have been taken of Majr. Burnet aid to Gl. G. who was the bearer of the letter announcing the evacuation of Charlestown.³

Mr. Webster & Mr. Judd agents for the deranged officers of the Massachussetts & Cont. lines were heard by the Gd. Committee, in favr. of their constituents. The sum of their representations was that the sd. officers were equally distressed for, entitled to, & in expectation of provision for fulfilling the rewards stipulated to them, as officers retained in Service.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:51–52.

¹ That is, 13th day of January, for which see Madison's Notes, January 13, 1783.

² For the committee's January 16 meeting with Robert Morris, see Morris, *Papers* (Ferguson), 7:312n.6.

³ For the adoption of this report, which makes no mention of Greene's aide-de-camp Maj. Ichabod Burnet, see *JCC*, 24:47–48. For a subsequent effort by Alexander Hamilton to promote Burnet, which however failed narrowly, see Madison's Notes, February 26, 1783, note 4.

Elias Boudinot to Thomas Barclay

Sir,

Philadelphia Janry 18th 1783.

At the particular request of Monsr. Oster the Vice Consul of France in this City, I beg leave to trouble you with my request, to give Madam Ouster all the aid & Countenance in your Power, at her embarkation at L Orient for this City. She means to leave France early in the Spring, and to embarque at that or some other out Port, and may be benefited by your protection.

I have not the least doubt from your known politeness and address, but that Madam Oster will, if her circumstances should require it, recieve every kind and respectful attention from you.

I have the Honor to be with great respect, Sir, Your most Obedt
Hble Sev,

E. B.

RC (NN: Miscellaneous Folders). In the hand of Elias Boudinot. Addressed: "Honble Thos. Barclay Esqr, Consul Genl of the United States of America in France."

Thomas FitzSimons to John Dickinson

Sir

Philada. 20 Jany 1783.

Congress having adjourned before I had the honor to receive your note of this Morning, I have not had an oppy. of Consulting my Colleagues upon the Subject of it¹—or of taking their opinions whether any Communications from the delegates of Pensylva. are at this time necessary—but I shall take the Earliest oppy. of Consulting them & if any are Judged proper they will be Immedy. made. I have the honor to inclose the Act of Congress respecting the Pensylvania Line² & the only one that I can find Congress has passed respecting the Seamen of his Most Christian Majesty.³

I am, Yr Excellys. Mo Obdt hble servt,

Thos. FitzSimons

RC (PHi: Logan-Dickinson Collection).

¹ Not identified.

² Apparently Congress' December 31 resolve concerning the retention of officers in the Pennsylvania Line, modifying its August 7, 1782, resolutions on the arrangement of the Continental Army projected for "the first day of January next." See *JCC*, 22:451–55, 23:837. A letter to FitzSimons from Gen. Arthur St. Clair of January 21 on this subject is in William Henry Smith, *The St. Clair Papers: The Life and Public Services of Arthur St. Clair*, 2 vols. (1882; reprint ed., Freeport, N.Y.: Books for Libraries Press, 1970), 1:579.

³ For Congress' July 12, 1781, resolve for apprehending French naval deserters, see these *Letters*, 17:403; *Pa. Archives*, 1st ser. 9:273–74; and *Pa. Council Minutes*, 13:5. For the proclamations of Pennsylvania presidents Dickinson and William Moore implementing this resolve, see *Pa. Archives*, 4th ser. 3:852, 872–73.

James Madison's Notes of Debates

[January 21, 1783]¹

From Friday 17 to Teusday <22d> 21—see Journals. A letter from Mr. Adams of 8th day of October 1782 containing prophetic observations relative to the Expedition of Ld. Howe for the relief of Gibraltar, & its consequences &c &c excited &c &c. . . .

Another letter from do. relative to the Treaty of Amity & Commerce & the Convention with the States Genl concerning vessels recaptured, copies of which accompanied the letter. These papers were committed.²

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:53.

¹ To judge from the color of the ink and the fine-point pen used, Madison left a space blank in his notes of debates following the January 17 entry, and later inserted the comments printed here preceding his entry for the 22d.

² Madison later completed this sentence to read: "to Mr. Madison, Mr. Hamilton & Mr. Elsworth."

Madison's references to Adams' letters are confusing, inasmuch as the "observations relative to . . . the relief of Gibraltar" are actually found in John Adams' letter to Robert R. Livingston of September 23, 1782, while the information "relative to the Treaty of Amity & Commerce" is from Adams' letter of October 8. See *PCC*, item 84, 4:181–84,

193–96; and Wharton, *Diplomatic Correspondence*, 5:750–52, 803–5. For the documents “which accompanied” the latter, see *JCC*, 24:68–82.

Virginia Delegates to Benjamin Harrison

Sr.

Phila. 21st January 1783.

The Post which arrived late yesterday evening brought us your Excellencys letters of the 4th and 11th with their several inclosures.¹ We shall loose no time in carrying into execution the intentions of the Executive respecting the settlement with Mr. Nathan and communicate the result to your Excellency. The other matters from the Assembly shall also be duly attended to. We hope it will be convenient for the Treasurer in the begining of next month to furnish us with a supply. Very respectfully we are, yr Excellencys obed hum. servts.

James Madison Jr.

Jos. Jones.

RC (Vi: Continental Congress Papers). Written by Jones who signed for both himself and Madison, contrary to the assertion of the editors of the Madison papers. Madison, *Papers* (Hutchinson), 6:54.

¹ For Harrison's letters of January 4 and 11, see *ibid.*, pp. 13–14, 29–30. See also Virginia Delegates to Harrison, January 28, 1783, note 1.

Elias Boudinot to Lewis Pintard

My dear Sir,

Philadelphia Jany 22d 1783

I am sorry to inform you that Mrs. B. was taken very ill last Night with a Pain in her Shoulder & side, a purging & vomiting. It has greatly affected her indeed, and I wish it may not prove very serious. It alarms me greatly.

Your Favour by the Post came to hand on Tuesday Morning. I delivered the Letter to Dr. Rush who informs me that the intended purchaser has fallen to £1400—indeed I scarcely think you right in taking £1600—not but that it is more than it will ever bring hereafter; but it is so great a certainty, in Case of an Accident, either for you or Mrs. P. that I am loath you should let it go. The certainty of it's allways being in demand, and the regularity with which the rent is paid, makes it a very eligible Concern—Unless you would agree to vest the Purchase Money in Bank Shares, which would be still better. I am really afraid that some day or other the Capture of a Mail, will afford Rivington a merry Page or two in his Paper, to the no small Mortification of his ——— & her R. H—— as well as their Country Friends.

We are greatly mortified at your & our disappointmt in your intended Jaunt. The sending of the Mare Colt, was a very improper

Measure on Elisha's part. In the begining of Decr I wrote him that I could dispose of Susans Mare, and if he would agree to take £10—for his half of the Colt, I would have her sent here for Susan. He never recd this Letter till a few Days since, and I having recd no Answer, did not sell the Mare, but Elisha sends off the Colt to you, without farther Ceremony. I must beg the favour of your keeping her till I can consider farther of the Matter & try to dispose of the Mare.

Mr. Wallace was to have the Choice of the Stackes, but he was to take the whole Stack at once, as I could not own the risque of the remainder spoiling after it was once broke—and I cannot have the Hay weighed after it gets home, as the waste in Carting is very great, but it must be estimated before it goes off. Do not let any more go unless you are sure of having enough & to spare for our selves—but send him to Rickey.

I am in great Haste, with Love to all, Yours Affectly, B

P.S. I have not time to write to Mr Remsen, let him know that I cannot consent to take Mr Lewis's Land, at a higher rate than 30/ per Acre, at which he may agree to take it & have a Deed signed accordingly, otherwise Mr Morton must take it.

Mr. Remsen must write to Job Cosand, for the Vouchers for the Costs in his Suit.

I never heard of the intended Purchase of your House till I recd your Letter.

RC (PHi: Boudinot Papers).

Oliver Ellsworth to Barnabas Deane

Dear Sir ¹

Philadelphia Jany. 22d. 1783

I acknowledge the rect of your favr of the 4th. And think I cannot give you any better advice at present how to conduct in Case you are pressed with the Execution of Col Sage than what you mention you have recd. from your counsul at Hartford vizt. if you are levied upon for the whole nominal Sum to releive yourself by an audite-querela² till the matter shall be further considered by the Superior Court. If however as Coll Sage & you are brother Merchants & the Case wholly a mercantile one you should agree to submit to some judicious Merchant or Merchants what is right in the Case I think you would be justified in so doing, especially as the case is now circumstanced. It is truly an unfortunate affair to you, & I sincerely regret that the publick have it not in their power at present to reimburse the Ballance you may be in advance to them should it be considerable but hope they will be able to do it 'er long. Should I think of any thing farther to write or that I can here do upon the Subject it shall be done.

We have nothing offical or that can be depended on relating to the Negociation for Peace later than to the 14 of Octr. when it was going on but had not proceeded so far as to assume any very decided aspect.

Be so good Sir as to present My compliments to Mr. Webb when you see him. I am Dear Sir, your obed. H. Servt, Oliv Ellsworth

RC (CtHi: Deane Papers).

¹ Barnabas Deane, brother of Silas, was a merchant in Hartford, Conn. For further information on his legal involvement with Col. Comfort Sage, see *Collections of the Connecticut Historical Society* 23 (1930): 166–69.

² That is, *audita querela*, a common law writ brought by a judgment defendant to obtain relief by offering new evidence arising since the judgement. *Black's Law Dictionary* (St. Paul, Minn.: West Publishing Co., 1979), p. 120.

James Madison's Notes of Debates

[January 22, 1783]

Wednesday 22 Decr. [*i.e.*, January] Congress adjourned to give the Come. on the Treaty & convenion time to prepare a report thereon.¹

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:54.

¹ For this report on the Dutch treaty, which is in Madison's hand, see *ibid.*, pp. 56–61; and Madison's Notes, January 23, 1783.

James Madison to Edmund Randolph

Dear Sir,

Philadelphia, January 22, 1782 [1783] ¹

The repeal of the impost act by Virginia is still considered as covered with some degree of mystery. Colonel Bland's representations do not remove the veil. Indeed, seems as much astonished at it, and as unable to penetrate it, as any of us.² Many have surmised that the enmity of Doctor Lee against Morris is at the bottom of it. But had that been the case, it can scarcely be supposed that the repeal would have passed so quietly. By this time, I presume, you will be able to furnish me with its true history, and I ask the favor of you to do it.³ Virginia could never have cut off this source of public relief at a more unlucky crisis than when she is protesting her inability to comply with the continental requisitions. She will, I hope, be yet made sensible of the impropriety of the step she has taken, and make amends by a more liberal grant. Congress cannot abandon the plan as long as there is a spark of hope. Nay, other plans on a like principle must be added. Justice, gratitude, our reputation abroad, and our tranquillity at home, require provision for a debt of not less than fifty millions of dollars, and I pronounce that this provision will not be adequately met by separate acts of the States. If there are not revenue laws which

operate at the same time through all the States, and are exempt from the control of each—the mutual jealousies which begin already to appear among them will assuredly defraud both our foreign and domestic creditors of their just claims.

The deputies of the army are still here, urging the objects of their mission. Congress are thoroughly impressed with the justice of them, and are disposed to do every thing which depends on them. But what can a Virginia Delegate say to them, whose constituents declare that they are unable to make the necessary contributions, and unwilling to establish funds for obtaining them elsewhere? The valuation of lands is still under consideration.

MS not found; reprinted from *The Papers of James Madison*, ed. Henry D. Gilpin, 3 vols. (Washington: Langtree & O'Sullivan, 1840), 1:111–12.

¹ Madison misdated the missing original. In a chronological list of his letters to Randolph compiled about 1821, Madison clearly noted this to be a letter of "1782. Jany. 22." Madison Papers, DLC.

² Theodorick Bland had just recently returned to Congress. Madison testified in his next letter to Randolph that "Col. Bland had arrived at the date of my last." See Madison to Randolph, January 28, note 8.

³ For Randolph's February 7 reply, see Madison, *Papers* (Hutchinson), 6:207–8.

Oliver Wolcott to Matthew Griswold

Sir

Philadelphia 22d Janry. 1783

We have had no Material News since the Evacuation of Charlestown. We may dayly expect to receive fresh Intelligence from Europe as to be able to form a good Judgment wheather the Enemy will settle a Peace or will chuse to continue the War.

A Committee of the Army are attending Congress and Applying for Pay, and Security for their future Emoluments, and if the whole of their Pay shall Not be made which they do not expect, that their Accounts may be liquidated, and Security given for the Ballance upon Substantial Funds. A Report of a Committee has been made upon this Subject, but Nothing has yet been done upon it. Congress have also a Committee to devise a Mode whereby to Value the House and Lands of respective States who have not yet reported.

The present State of our Finances renders it improbable that any immediate Pay can be made to the Army, but I hope that before long something will be done for them. The State of Connecticut has for the Two last Months made as liberal Payment as any State According to their Quota. Some indeed are strangely deficient but I hope that our own Exertions will continue and am glad to be informed that some money has been lately sent to our Line.

An unfortunate Affair or rather a disgraceful [one] has lately happened in Chester County in this State. A large Quantity of Cloathing

sent by Sir Guy Carlton under a Passport from Genl. Washington to our Prisoners at Lancaster has been Seized by some People in that County under an Idea that they are Contraband.¹ The Legislature of this State are now sitting. Congress by a Committee have represented to the Executive this Atrocious Violation of the Laws of Nations and the Principles of the Confederation. The Executive seem impressed with a Sence of the great Impropriety of this Conduct, but show a Law of the State which passed the last year which Appears to justify Such a Seisure. The Assembly Say that by their Constitution they cannot pass an ex Post Facto Act—in the mean Time I am told that Fresh Seisures are dayly making in Chester County of the Cloathing and which has been countenanced by People of popular Reputation in that County. People in Power here seem at present to imagin that nothing can be done but to perswade those Fellows to give up their Seisures. This Affair places us in a scandalous Situation. I hope that the State will See that the Cloathing is restored—but such is the Party Spirit of this People and the Weakness of their Government, that but little is to be expected from them. If the U States cannot by their Passports give Protection I think that no one ought to trust them.

The settlers at Wyoming have presented a Petition to [. . .]² that they might be [. . .]³ [noth]ing yet has been Done upon it. I have interested myself in behalf of those People all in my Power. Almost every Gentleman of Influence with whom I have conversed has assured me that he will do all in his Power that those People shall receive a Very liberal Treatment from the State, and such as will Satisfy them. I flatter myself that it will be done. It would give me much Regret that those who have settled under a publick Incourragment and have done and suffered so much should be molested in their Possessions.

My best Regards to my Sister. I am Sir with much respect, Your Most Obedt Servant

Oliver Wolcott.

RC (CtY: William Griswold Lane Memorial Collection).

¹ For Congress' involvement in this "unfortunate Affair," see James Madison's Notes of Debates, January 24 and February 13, 1783.

² The reference is undoubtedly to the January 18 "Memorial and Address" submitted to the Pennsylvania Assembly by the agent of the Wyoming Valley settlers, John Paul Schott. See *Susquehannah Co. Papers*, 7:252–57.

³ MS damaged; four or five words missing.

Oliver Wolcott to Oliver Wolcott, Jr.

Sir,

Philadelpa. 22d Janry. 1783

I have been favoured with your Letter of the 12t instant. I will furnish the Pay table with a compleat Sett of the Journals of Congress by the first Oppertunity. Mr Smith recd. his Commission about Two

Months ago. Mr Morriss supposes him to be now at Hartford. Whenever I shall write any Letter to Hartford I shall inclose some News papers from which Mr Goodwin will be able to make such Abstracts as he pleases. This is all I can properly do for him and this will probably Answer his Purpose, as I shall write frequently. I recd. no Papers by the last Post, & unless they Shall be inclosed in white Paper as a common Letter, I know by Experience that I shall receive but few of them.

You will inform me of all Material Matters transacted by the Assembly. I am glad to hear of the Efficacy of our Taxation. Few if any of the States furnishes so much according to our Quota, as We have done the Two last Months; some indeed are criminally remiss.

Nothing has yet been done upon the Application of the Officers from the Army, a Report of a Committee has just been made. I wish our Ability to pay the Army was more considerable than it is. At present it is not in our Power to furnish them with any tho I hope something will be effected of this kind before long. I am glad that our State has Sent some Money to their Line. We may dayly [expect?] to get such Intelligence from Europe as will enable us to judge wheither We are to expect a speedy Peace or the Continuance of the War.

Some Fellows in Chester County in this State, who Sustain a high popular Reputation, have seised a large Quantity of Cloathing sent by Sir Guy Carleton to our Prisoners at Lancaster under the Protection of a Passport from Genl Washington, upon an Idea that they are contraband.¹ This kind of seizure seems to be countenanced by a Law of this State. The Legislature here are now setting. They say that they cannot make any Ex Post Facto Law to give Relief, the Executive have neither Power nor Energy. The Supplys are detained in that County—fresh Seisures I am told are dayly making, in Manifest Violation of the Laws of Nations, and to the indelible Reproach of the U. States. These Proceedings are clearly in Violation of the Articles of the Confederation, but are suffered to continue thro the Ignorance, Weakness and Party spirit, which are most conspicuous in this State. If this Evil shall not be speedily redressed which every sensible Man here, and many of their insensible ones of which they have great Numbers, seem convinced is Necessary to be done, I hope that Congress will order a Military Force to compel a Restitution of the Goods—for the granting a Passport is a necessary incident of War, and which therefore they may constitutionally render efficacious. What People indeed will ever put any Confidence in us if our Passports will not protect them?

No Act of this Legislature has yet passed with Regard to the Wyoming Settlers.² Many Gentlemen assure Me that if it shall be in their Power they Shall be treated with great Liberality. I flatter myself that it will be done. I shall extremely regret if those who have settled under a publick Incouragment shall in any respect suffer with regard to their Possessions.

My kindest respects to Mr. Lyman and his Lady. Yours,
Oliver Wolcott

P.S. I wrote to you by the last Post.

RC (CtHi: Oliver Wolcott, Jr., Papers).

¹ See the preceding entry, note 1.

² But for the response of the Pennsylvania Assembly "Respecting the Decision of the Connecticut Claim," see the *Susquehannah Co. Papers*, 7:265–67.

James Madison's Notes of Debates

Thursday 23 Decr. [*i.e.*, January 1783]

The Report of the come. last mentioned¹ consisting of a state of the variations in the Treaty of Amity & commerce with the States General from the plan proposed by Congress, of a ratification of the sd Treaty & of the Convention, & of a proclamation comprehending both was accepted & passed; the variations excepted wch. were not meant to be entered on the journals.² Both the Committee & Congress were exceedingly chagrined at the extreme incorrectness of the American copies of these national acts, and it was privately talked of as necessary to admonish Mr. Adams thereof, & direct him to procure with the concurrence of the other party a more correct & perspicuous copy. The Report of the Come. as agreed to, havg. left a blank in the act of ratification for the insertion of the Treaty & Convention, & these being contained both in the Dutch & American languages, the former column signed by the Dutch Plenpos. only & the latter by Mr. Adams only, the Secy. asked the direction of Congs. whether both columns or the American only ought to [be] inserted. On this point several observations were made & different opinions expressed. In general the members seemed to disapprove of the mode usd & would have preferrd the use of a neutral language. As to the request of the Secy. Mr. Wilson was of opinion that the American Columns only sd. be inserted. Several others concurred in this opinion; supposing that as Mr. Adams had only signed those columns, our ratifications ought to be limited to them. Those who were of a different opinion, considered the two parts as inseparable & as forming one whole, & consequently that both ought to be inserted. The case being a new one to Congress, it was proposed & admitted that the insertion might be suspended till the next day, by which time some authorities might be consulted on the subject.

A come. consisting of Mr. Madison, Mr. Mifflin & Mr. Williamson reported in consequence of a motion of Mr. Bland, a list of books proper for the use of Congress, and proposed that the Secy. sho'd be instructed to procure the same.³ In favr. of the Rept. it was urged as indispensable that Congress sd. have at all times at command such authors on the law of Nations, treaties, Negotiations &c as wd. render their proceedings in such cases conformable to propriety; and it was observed that the want of this information was manifest in several important acts of Congress. It was further observed that no time ought

to be lost in collecting every book & tract which related to American Antiquities & the affairs of the U.S. since many of the most valuable of these were every day becoming extinct, & they were necessary not only as materials for a Hist. of the U.S. but might be rendered still more so by future pretensions agst. their rights from Spain or other powers which had shared in the discoveries & possessions of the New World.⁴ Agst. the Report were urged 1st. the inconveniency of advancing even a few hundred pounds at this crisis; 2dly. the difference of expence between procuring the books during the war & after a peace. These objections prevailed, by a considerable majority. A motion was then made by Mr. Wilson 2ded by Mr. M[adison] to confine the purchase for the present to the most essential part of the books. This also was negatived.⁵

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:115–17.

¹ See Madison's Notes, January 22, 1783, note.

² See *JCC*, 24:64–82n.1.

³ This committee had its origin in a motion of July 1, 1782, by Theodorick Bland "for a list of books to be imported for the use of the United States in Congress Assembled." In addition to Madison, the original committee also consisted of John Lowell and John Witherspoon, who were no longer in attendance by mid-November, and when the committee was "Renewed" on November 21 were replaced by Thomas Mifflin and Hugh Williamson. See *PCC*, item 186, fols. 39, 69. The report, which has been seen as the earliest blueprint for a Library of Congress, has been carefully analyzed, with extensive annotations on the entire list of 550 titles, in Madison, *Papers* (Hutchinson), 6:62–115, which also generally supercedes two earlier studies of Madison's list: Fulmer Mood, "The Continental Congress and the Plan for a Library of Congress in 1782–1783," *PMHB*, 72 (January 1948): 3–24; and Loren E. Smith, "The Library List of 1783 . . . Recommended for the Use of Congress on January 24, 1783," (Ph.D. diss., Claremont Graduate School, 1969).

⁴ Madison here was undoubtedly paraphrasing what he himself had said in behalf of the report.

⁵ In keeping with his usual practice, Secretary Thomson did not enter these proceedings on the journals, as the motions offered were rejected. Furthermore, it seems clear that the vote on these motions occurred on January 24, not the 23d as Madison's notes seem to indicate, a judgment reached also by the editors of the Madison Papers and of the Journals of Congress. See Madison, *Papers* (Hutchinson), 6:62; and *JCC*, 24:83–92. The committee's report was undoubtedly submitted to Congress this day, but according to Thomson's endorsement, it was "Read Jany. 24, 1783. Question taken to empower Superint. finance & secy to import them. Passed in the negative." Continental Congress Miscellany, DLC.

Eliphalet Dyer to Jonathan Trumbull, Jr.

Sir.

Philadelphia Jany 24th 1783

I have the pleasure to Inform you at length that the Grant made to the representatives of your late brother as Commsy Genl is closed and ascertaind in Congress but not before yesterday, the money he receivd and expended to be reduced to its real Value after any Depreciation

took place tho antecedent to the Scale of Depreciation fixd by Congress and that the Commissions Granted by Congress in 1779 be allowd thereon computed as in specie,¹ which by Mr Barrel's present Computation will bring the ballance due to about perhaps a little short of 30,000 dollars in specie, but Mr Barrel Complains that he cannot affix the ballance with precession as he has not the means to ascertain the exact time when all the monies were receivd & particularly the 21,000 dollars which appears he has receivd over and above what he has paid out & expended, & which must be reconed against him as part pay, it appears that this sum arises against him on account of his receiving back part of the monies he had before delivered out to the sub Commissys &c. I tell him it ought to be considered as of the last moneys he reciev'd, which I suppose was in 1778 which would reduce that sum to not more than about 5000 dollars in specie, but if you can ascertain that matter I wish you would send it as soon as you can and any other matter which will Conduce to a just settlement of the Account. I dare not mention a word in Congress with respect to the Intrest for reasons I can tell you, but rather think that Barrel looks upon it, that he is Warranted to allow Intrest how far back I cannot say for I am oblidgd to manage every thing about it with utmost Caution. You may wonder that the matter has not been sooner accomplishd. I have wrote you several times & hinted at some reasons. I have spared no pains to bring it to a Close, but have often found it would not do, then have been oblidgd to have it delayd for a better opportunity, as I could find till lately no one that would so far attend to the affair as to give it any great advantage. I have allready Informd you it has been committed & recommitted Sundry times and that Congress had taken up the matter so as to pay no regard to the Grant in 1779 but to Instruct the Comtee barely to consider the real Sum that was right to allow your brother by the year during the time he was in service, and at length after a month or six weeks they reported a gross Sum of 12,000 Dollars. I feard the Consequence on that report which Clymer & Jackson Consented to & got it postponed till I should return from Trenton, when I knew there would be many new Members & Genll Mifflin one from Pensylvania, I made it my business after my return to take every opportunity with the members to let them into a true knowledge of the affair to Shew them the injustice of Congress to recede from the Grant heretofore made and to Interest them that justice might be done untill I thot I was pretty sure. Then I Ventured to bring it on, and to move that the last report might be postponed, and to Confine themselves to the Grant before made in 1779, which after being debated, and put off a day or two gave me time further to rectify any misapprehensions of particular members, and to gain some friends to take up the matter in its just View, in which Genll Mifflin was not wanting to exert himself. It was finally carried by an Unanimous Vote of the States present, and only Burks Substitute from

North Carolina Violently opposing² tho his Colleagues Viz, the late Govr Nash, Coll Blunt &c Voting against him, but on the whole I am sure if I had not been here with Mrs Trumbull,³ not half the sum would ever have been obtaind & probable not brot to a Close these seven Years. But now what have you to receive but Certificates on Intrest and no fund for payment either of one or the other but if we could obtain an appropriated fund for Interest of the Loans & Debts they would become of Value and Transferrable Stock with perhaps but little loss otherwise if that cannot soon be done we are all adrift and the Ship must Sink.

Congress are now most earnestly engaged on that Subject, and a few day believe will bring it to a Close in Congress, but after that we have the several States to adopt & Confirm it, the Impost will be further Insisted on, but however, Certificates must be taken, if long delayd some curious fellow may bring it before Congress again for explanation. I imagine you would not choose to have the whole sum included in one Certificate, but divided into a Number of different denominations. I wish you to write me Immediately on that head, & I have further to ask you to give orders that one half or at least £3000 or 4000 may be made out to Mrs Trumbull as that will leave upwards of £3000⁴ to be applied towards Debts beside what you have in your own hands towards paying of Debts which I think must amply Answer, but this I ask only on Mrs Trumbull giving bond with my Security with her to refund in case wanted for that purpose, which is according to the Laws of our State. You know the Estate has lay long unsettled & I hope you will now make no delay in bringing of it As near to a Close as circumstances will admit. Mrs. Trumbull has been here near a year waiting for this Affair of the Grant to be closed by Congress, and no means of support but from me who am but little able at present to bare it, & am Very sure the one half never would have been otherwise obtaind. Mrs Trumbull is out of Town at Genll Mifflins. Am yours &c.

Elipht Dyer

RC (CtHi: Jonathan Trumbull, Jr., Papers).

¹ The sticking point on the settlement of Joseph Trumbull's commissary general accounts had been ascertaining their specie value, since so many of his purchases had been made at inflated paper values. After years of wrangling over a formula to be adopted to determine the effects of the depreciation of the Continental dollar, Congress directed on January 23 that the specie value of Trumbull's purchases would be calculated "at the end of every month," and reaffirmed that he would be allowed the commissions agreed to on March 31, 1779. See *JCC*, 13:395-97, 24:64; and Morris, *Papers* (Ferguson), 6:5-7.

² That is, Hugh Williamson.

³ That is, Amelia Dyer Trumbull, Dyer's daughter and Joseph Trumbull's widow.

⁴ At this point Dyer inserted an asterisk to which he keyed the following note in the margin: "if the Intrest is allowd only from March 1779 it will make about £2000 more which will leave sufficient in your hands if she takes £4000."

Eliphalet Dyer to Jonathan Trumbull, Sr.

[January 24? 1783] ¹

I should be glad soon to know whether the Gentn in delegation will come forward at least to supply my place, am not advised when General Wolcott proposes to return, the State ought to be fully represented at least for the Next 2 or 3 months. I will own tho I much want to return I should not Wish to leave the State unrepresented at a time like this. You are sensible I have had but 200 dollars towards the last half year instead of £200 as usual for 4 or 5 months, which is longer than they have generally tarried here. The other States I find supply their delegates with more money than Connecticut, let other demands crowd ever so much as the most absolutely Necessary. Yours

E Dyer

[P.S.] Mrs Trumbull is well, now gone to Reading with Genll Mifflin who has been very kind to her on your late dear sons account. We have at length got his allowance settled (tho with great difficulty) to which her being here has I believe much Contributed & believe will be satisfactory to those concerned. On the whole her expence has been great to me, tho her Company agreeable.

FC (CtHi: Trumbull Papers). In the hand of Eliphalet Dyer.

¹ Dyer wrote this letter soon after Congress had finally settled the accounts of his late son-in-law, Commissary General Joseph Trumbull, which he discussed in the postscript of this letter and which was a major subject of the preceding entry. And his reference herein to his daughter—"now gone to Reading with Genll Mifflin"—closely parallels the concluding sentence of the preceding entry—"Mrs Trumbull is out of Town at Genll Mifflins."

James Madison's Notes of Debates

Friday Jany. 24th [1783].

Some days prior to this sundry papers had been laid before Congress by the war office,¹ shewing that a Cargo of Supplies which had arrived at Wilmi[n]gton for the British & German Prisoners of war under a passport from the Commander in cheif and which were thence proceeding by land to their destination, had been siezed by sundry persons in Chester County under a law of Pennsa. wch. required in Such cases a licence from the Executive authority, which exposed to confiscation all articles not *necessary* for the prisoners, & referd. the question of necessity to the judgment of its own Magistrates. Congress unanimously considered the violation of the passport issued under their authority as an encroachment on their constitutional & essential rights; but being disposed to get over the difficulty

as gently as possible appointed a Come. consisting of Mr. Rutledge, Mr. Wolcot & Mr. M[adison], to confer with the Executive of Pa. on the subject. In the first conference the Executive represented to the Committee the concern they felt at the incident, their disposition to respect & support the dignity & rights of the fœderal Sovereignty; and the embarrassments in which they were involved by recent & express law of the State to which they were bound to conform. The Come. observed to them that the power of granting passports for the purpose in question being inseparable from the general power of war delegated, to Congress, & being essential for conducting the war, it could not be expected that Congress wd. acquiesce in any infractions upon it; that as Pa. had concurred in this alienation to Congress, any law whatever contravening this power of Congs. was necessarily void, and cd. impose no obligation on the Executive. The latter requested further time for a consideration of the case & laid it before the Legislature then sitting; in consequence of which a Come. of their body was appd. jointly with the Executive to confer with the Committee of Congress. In this 2d conference the first remarks made by the Come. of Congress were repeated. The Come. of the Legislature expressed an unwillingness to intrench on the jurisdiction of Congress, but some of them seemed not to be fully satisfied that the law of the State did so. Mr. Montgomery lately a member of Congress observed that altho' the general power of war was given to Congress yet that the mode of exercising that power might be regulated by the States in any manner which wd. not frustrate the power, & which their policy might require. To this it was answered that if Congress had the power at all, it could not either by the Articles of Confederation or the reason of things admit of such a controuling power in each of the States, & that to admit such a construction wd. be a virtual surrender to the States of the whole federal power relative to war; the most essential of all the powers delegated to Congress. The Come. of the Legis[latu]re represented as the great difficulty with them, that even a repeal of the law wd. not remedy the case without a retrospective law which their Constitution wd. not admit of, & expressed an earnest desire that some accomodating plan might be hit upon. They proposed in order to induce the siezors to wave their appeal to the law of the State, that Congress wd. allow them to appt. one of two persons who sd. have authority to examine into the supplies & decide whether they comprehended any articles that were not warranted by the passport. The Come. of Congress answered that whatever obstacles might lie in the way of redress by the Legislature, if no redress proceeded from them, equal difficulties wd. lie on the other side, since Congress in case of a confiscation of the supplies under the law which the omission of some formalities reqd. by it wd. probably produce, would be obliged by honor & good faith to indemnify the Enemy for their loss out of the

common Treasury; that the other States wd. probably demand a reimbursement. to the U. S. from Pa. & that it was impossible to say to what extremity the affair might be carried. They observed to the Come. of the Legre. and the Executive, that Congress altho' disposed to make all allowances, and particularly in the case of a law passed for a purpose recommended by themselves, yet they cd. not condescend to any expedient which in any manner departed from the respect wch. they owed to themselves & to the articles of Union. The Come. of Congress however suggested that as the only expedient wch. wd. get rid of the clashing of the power of Congress & the Law of the State, wd. be the dissuading the siezors from their appeal to the latter, it was probable that if the Siezors wd. apply to Congress for Redress that such steps wd. [be] taken as wd. be satisfactory. This hint was embraced & both the Executive & the Come. of the Legre. promised to use their influence with the persons of most influence among the siezors for that purpose. In consequence thereof a Memorial from (see Journal) was sent in to Congress, committed to the same Come. of Congress,² & their report of this day agreed to in wch. the Presidt. of Pa. is *requested* to appt. one of the referees. It is proper to observe that this business was conducted with great temper & harmony, & that Presidt. Dickenson in particulr manifested throughout the course of it, as great a desire to save the rights & dignity of Congress as those of the State over which he presided. As a few of the Siezors only were parties to the Memorial to Congress, it is still uncertain whe[the]r others may not adhere to their claims under the law in wch. case all the embarrassments will be revived.

In a late report which had been drawn up by Mr. H.³ & made to Congress, in answr. to a Memorial from the Legislatre. of Pa. (see) among other things shewing the impossibility Congress had been under of payg. their Credrs. it was observed that the aid afforded by the Ct. of France had been appropriated by that Court at the time to the immediate use of the army. This clause was objected to as unnecessary, & as dishonorable to Congress. The fact also was controverted. Mr. Hamilton & Mr. Fitzimmons justified the expediency of retaining it, in order to justify Congress the more completely in failing in their engagements to the public Creditors. Mr. Wilson & Mr. Madison proposed to strike out the words appropriated by France, & substitute the words applied by Congress to the immediate & necessary support of the army. This proposition wd. have been readily approved had it not appeared on examination that in one or two small instances, & particularly in the paymt. of the balance due to A. Lee Esqr. other applications had been made of the aid in question. The report was finally recommitted.⁴

A letter from the Supernt. of Finance was recd & read, acquaintg Congress that as the danger from the Enemy which led him into the Dept. was disappearing & he saw little prospect of provision being

made without, injustice wd. take place of which he wd. never be the Minister, he proposed not to serve longer than may next, unless proper provision sd. be made.⁵ This letter made a deep & solemn impression on Congress. It was considered as the effect of despondence in Mr. M. of seeing justice done to the public Credtrs. or the public finances placed on an honorable establishmt., as a Source of fresh hopes to the enemy when known, as ruinous both to domestic & foreign Credit; & as producing a vacancy which no one knew how to fill & which no fit man wd. venture to accept. Mr. Ghoram after observing that the Administration of Mr. M. had inspired great confidence and expectation in his State, & expressing his extreme regret at the event, moved that the letter sd. be committed. This was opposed as unnecessary & nugatory by Mr. W. since the known firmness of Mr. M. after deliberately taking a step wd. render all attempts to dissuade him fruitless; and that as the Memorial from the Army had bro't the subject of funds before Congress, there was no other object for a Committee. The motion was disagd to. Mr. Wilson then moved that a day might be assigned for the consideration of the letter. Agst. the propriety of this it was observd. by Mr. [Madison] that the same reasons which opposed a Commitment opposed the assignment of day. Since Congress cd. not however anxious their wishes or alarming their apprehensions might be, condescend to solicit Mr. M. even if there were a chance of its being successful; & since it wd. be equally improper for Congress, however cogent a motive it might add in the mind of every member, to struggle for substantial funds, to let such a consideration appear in their public acts, on that subject, The motion was not pressed (*& was thrown out*). Congress supposing that a knowledge of Mr. Mo[rri]'s intentions wd. anticipate the ills likely to attend his actual resignation, ordered his letter to be kept secret.⁶

Nothing being said to day as to the mode of insertion of the Treaty & Convention⁷ the Secy. proceeded in retaining both columns.

In consequence of the report to the Grand Committee on the memorial from the army, by the Subcomme, the following report was made by the former to Congs. and came under consideration to day.

"⁸The Grand Committee having considered the Contents of the Meml. presented by the army, find that they comprehend five different articles:

1. Present pay.
2. A settlemt. of accts. of the arrearages of pay and security for what is due.
3. A commutation of the half pay allowed by differt. resolutions of Congress for an equivalent in gross.
4. A settlemt. of the accts. of deficiencies of rations & compensation.
5. A settlemt. of accts. of deficiencies of cloathing & compensation.

The Committee are of opinion with respect to the 1st that the Superintendt. of finance be directed, conformable to the measures already

taken for that purpose, as soon as the State of the public finances will permit, to make such payt. & in such manner as he shall think proper till the further order of Congress.

With respect to the 2d art. so far as relates to the settlemt. of acct's, that the several States be called upon to compleat the settlemt., without delay, with their respective lines of the army up to the 1st⁹ day of Aug. 1780; that the Supert. be also directed to take such measures as shall appear to him most proper & effectual for accomplishing the object in the most equitable & satisfactory manner, havg. regard to former resolutions of Cong's. & to the settlemts. made in consequence thereof. And so far as relates to the providing of security for what shall be found due on such settlemt.—Resolved that the troops of the United States in common with all the Creditrs. of the same, have an undoubted right to expect such security, and that Congress will make every effort in their power to obtain from the respective States, *general* & substantial funds adequate to the object of funding the whole debt of the U. S. and that Cong's. ought to enter upon an immediate & full consideration of the nature of such funds & the most likely mode of obtaining them.

With respect to the 3d Article the Comme. are of opinion that it will be expedient for Cong's. to leave it to the option of all officers entitled to half pay, either to preserve their claim to that provision as it now stands by the several resolutions of Cong's. upon that subject or to accept _____ years¹⁰ full pay to be paid to them in one year after the conclusion of the war in money or placed upon good funded security bearing an annual interest of 6 prCt.—provided that the allowance to widows & orphans of such officers as have died or been killed or may die or be killed in the service during the war shall remain as established by the resolution of the _____ day of _____.¹¹

With respect to the 4 & 5 Art. the Come. beg leave to delay their report untill they have obtained more precise information than they now possess on the subject."

The 1st Clause of this report relative to immediate pay passed yesterday.¹² The Supt. had agreed to make out 1 month's pay. Indeed long before the arrival of the deputies from the army he had made contingent & secret provision for that purpose; and to ensure it now he meant if necessary to draw bills on the late application for loans. The words "conformable to measures already taken" referred to the above secret provisin, and were meant to shew that the payment to the army did not originate in the Memol. but in an antecedent attention to the wants of the army.

In the discussion of the 2d clause, the epoch of Aug. 1780 was objected to, by the Eastern delegates. Their States havg. settled with their lines down to later periods, they wish now to obtain the Sanction of Congress to them. After some debate, a compromise was proposed by Mr. Hamilton by substituting the last day of Decr. 1780. This was agreed to without opposition altho several members disliked it. The

latter part of the clause beginning with the word Resolved &c. was considered as a very solemn point, and the basis of the plans by which the public engagements were to be fulfilled & the union cemented. A motion was made by Mr. Bland to insert after the words "in their power" the words, "consistent with the Articles of Confederation[?]. This amendment as he explained it was not intended to contravene the idea of funds extraneous to the federal articles, but to leave those funds for a consideration subsequent to providing Constitutional ones. Mr. Arnold however eagerly 2ded it. No question however was taken on it, Congress deeming it proper to postpone the matter till the next day, as of the most solemn nature; and to have as full a representation as possible. With this view & to get rid of Mr. Bland's motion, they adjourned; & ordered all the members not present & in town to be summoned.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:117–28.

¹ The assistant secretary at war, William Jackson, had submitted this case to the consideration of Congress on January 17, which was referred to a committee consisting of Madison, John Rutledge, and Oliver Wolcott. See PCC, item 185, 3:52, item 186, fol. 80.

² See JCC, 24:82–83. As Madison is the principal source of information on this troubling episode, which raised the specter of state infringement of congressional authority, an issue to which he was ever sensitive, it can be followed most effectively in Madison, *Papers* (Hutchinson), 6:123–25, 229–31, 265–68, as well as in his notes of debates for this date and for February 13 and 20, 1783.

³ That is, Alexander Hamilton, whose report in answer to the Pennsylvania memorial has not been located. For speculation on its identity, however, see *ibid.*, pp. 125–26n.17.

⁴ For its reconsideration and adoption, see JCC, 21:99–105; and Madison's Notes, January 30, 1783.

⁵ For Robert Morris' January 24 letter of resignation, and a lengthy analysis of the congressional response to it, see Morris, *Papers* (Ferguson), 7:361–71.

⁶ For the ramifications of this unanticipated response to his letter, and the ultimate removal of the secrecy ban, see *ibid.*, pp. 463–74.

⁷ At this point Madison later added "with the States General," for which see Madison's Notes, January 23, 1783.

⁸ At this point Madison inserted an asterisk, to which he keyed the following note: "drawn by Col. Hamilton." For this response to the memorial from the army, and the commitment of this responsibility to a subcommittee of the grand committee on the memorial, see Hamilton, *Papers* (Syrett), 3:243–45; and Madison's Notes, January 13, 1783.

⁹ Madison later lined out "1st" and added "blank" above the line.

¹⁰ For the debate on filling this blank, see Madison's Notes, January 25, 1783.

¹¹ That is, 24th day of August, 1780. See JCC, 17:770–73.

¹² Madison later lined out "yesterday" and interlined "without opposition."

John Rutledge to Nathanael Greene

Dr. Sir,

Philada. January 24. 1783.

I congratulate you, most heartily, on the Evacuation of Charles-Town, & rejoice, that this Event, greatly interesting to the United States, particularly fortunate for So. Carolina, & for which they are so

much indebted to you, has been accomplished, during your Command. You will receive the Thanks of Congress on the Occasion. Those, & Promotions, are all they have to give. The former were unanimous—the latter your particular Friends thought it not adviseable to propose.¹

We wait, with Impatience, for the King's Speech, & the Addresses of Parliament, at their November Session. These may afford Us better grounds than any We have for judging, whether Peace will soon take Place, or, whether, there will not be another Campaign. At present, We are in a State of Uncertainty, & every one forms his own Conjectures. I do not think Peace so near as many People apprehend it is.

Be pleased to make Mrs. Rutledge's & my respectful Compliments to Mrs. Greene & beleive me, Dr. Sir, Sincerely yours,

J. Rutledge

RC (MiU-C: Greene Papers).

¹ For the "Thanks of Congress" adopted January 17, and the suggestion of South Carolina delegate David Ramsay that Greene be promoted to lieutenant general, see *JCC*, 24:47-48; and James Madison's Notes of Debates, January 15, 1783.

Eliphalet Dyer to Jonathan Trumbull, Sr.

Sir

Philadelphia Jany 25th 1783

There is a Deputation from the Army viz Genll McDougall &c who have been waiting here some time. Their application to Congress is for some imediate pay, and for a Liquidation & adjustment of their past Accounts, a further Assurance of their half pay as before Established, or by Commutation, &c &c.¹ It is well known that Congress some time agoe recommended to the several States to take up the Matter of a settlement and adjustment with the officers & soldiers of their respective lines for pay, depretiation &c, that in Consequence thereof Connecticut with several other of the States took up the matter and at great trouble and expence have settled the account for pay & Depreciation, Some down as far as & including the Year 1781. Connecticut As I recollect are proceeding so far as that, but yet whether finished, compleated & securities given I know not. Congress have taken up the Matter upon application of the Agents from the Army, and on Examination it is found that the southern States have done Nothing in persuance of the former recommendation of Congress, and their lines remain to be settled with for pay and Depreciation from the Year 1777, and which has been strenously Urged should now be done by the Financier in a Continental way, & hereby the whole pay & depreciation of officers & soldiers by those States who have faild of a Compliance with the former resolution would be a general Charge on the United States even of those who have settled &

involved themselves in a Very heavy debt for the payment of their officers & soldiers of their line. The Injustice of the measure was strongly Urged & opposed, but after Various debates and producing a resolution of Congress of August 1780 taking up the pay of the Army in a Continental way it was urged, that was at least a Virtual repeal of the former resolution and if any State has gone so far as to settle & secure payment down to a later period they have done it in their own wrongs tho they are willing it shall be allowed to their final Credit in their Accounts to the United States, yet the Delinquent States cannot be brot up to settle with their line further than to the 1st of August 1780 and which was finally carried, Viz that those states who had not settled with their officers & soldiers & secured payment to that Date should yet do it up to August 1780; and that the Financier settle, Liquidate and secure in a Continental way only all dues since that period. At any rate I find Connecticut will be Involved in a debt Arising on the securities given from the 1st of August 1780 to the 1st of Jany 1781 but if the matter is not Closed for the Year 1781 that is to say to the 1st of January 1782. I should think the State will at once see the necessity to put a Stop to any further proceedings therein especially as the Army Including Connecticut line have by their Agents applied for a Continental Settlement; and indeed it appears to me so Interesting to the State and that they have been led into a deception in the matter that even if some securities have been given out on the Year 1781, that they will immediately put a Stop to any further Securities being given if not recall or Cancell those that have as Congress have in fact on their application ordered a Settlement for that year and even ever since 1st of August 1780 to be adjusted and settled by the Financier and the pay or securitie of the 13 united States Collectively to be given therefor, and Connecticut as well as the other States, who have settled with their lines since the last of July 1780 must be equally involved with the other States, who have not settled to pay their Troops—however unrighteous or unjust; for it is said that the officers & soldiers from every State or Continental and relye on the faith and Credit of the whole and cannot be Subjected to depend on the particular States to which they belong. I would by no means be thot to obtrude my opinion, especially one so suddenly taken up, & under some resentment, but esteemed it my Duty immediately to Communicate to the State every matter of Consequence especially one in which their Interest is so nearly affected. The repeated Calls of the Army & other Creditors to the United States highly demands the attention of Congress for some funded Security at least for the Interest; any means pointed out by Confederation are too dilatory & ineffectual; what can be done we know not, but to repeat the request for an Impost and especially to appropriate it to the Intrest of the funded Debts, and if it should at any time exceed the interest the remainder towards the principal, a

small & general Land tax is also proposed; Congress are now intent on the Subject, but they cannot come into any measure but what Must be Submitted to the inspection of the several States & have their approbation before Valid, and probably it is best it should be so, but if something is not done it seems it will soon endanger the Union, and a dissolution may follow.

I should wish for advice in every Important matter but really have not had the happiness of any since my first arrival, therefore we must act according to our best Judgment and Submit to Consequences.

Am with great respect Yr Exells most obedt Hle Servt

Elipt Dyer

P.S. I expect if Providence permit to return some time in the month of April but hope some mony or remittance may be sent me to Clear out, I cannot borrow here except at least 6 per Cent per month instead of per Annum

E D

RC (CtHi: Jonathan Trumbull, Sr., Papers).

¹ For the congressional debate on the grand committee's report on the memorial from the "Deputation from the Army," see James Madison's Notes of Debates, January 24 and 25, 1783.

James Madison's Notes of Debates

Saturday. [January 25, 1783]

The Secy. of Congress havg. suggested to a member that the Contract with the Ct. of F. specifying the sums Due from the U. S. altho' extremely generous on the part of the former had been ratified without any such acknowledgmts. by the latter, that this was the first instance in which such acknowledgmts. had been omitted, & that the omission wd. be singularly improper at a time when we were Soliciting further aids; the observations were made to Congress, the ratification reconsidered, and the words "impressed with &c". . . inserted.¹

The rept on the memorial was resumed.² By Mr. Hamilton, Mr. Fitzsimmons & one or two others who had conversed with Mr. Morris on the change of the last day of Decr. for the day of Augst. It was suggested that the change entirely contravened the measures pursued by his department;³ and moved for a reconsideration of it in order to enquire into the subject. Without going into details they urged this as a reason sufficient. The Eastern delegates, altho' they wished for unanimity & system in future proceedings relative to our funds & finances were very stiff in retaining the vote wch. coincided with the steps taken by their Constituents. Of this much complaint was made. Mr. Rutledge on this occasion alledging that Congress ought not to be led by general suggestions derived from the office of finance, joined by

Mr. Gervais, voted agst. the reconsideration. The consequence was that S. Carola. was divided & six votes only in favr. of the Reconsideration. Mr. Hamilton havg. expressed his regret at the negative & explained more exactly the interference of the change of the Epoch with the measures & plans of the Office of Finance wh. had limited all State advances & settlemts. to Aug. 1780; Mr. Rutledge acknowledged the sufficiency of the reasons & at his instance the latter date was reinstated. On this 2d. question Cont. also voted for Augst.⁴

Congress proceeded to the 3d clause, relative to the commutation of half pay.⁵ A motion was made by Mr. H. to fill the blank with "six." This was in conformity to tables of Dr. Price,⁶ estimating the officers on the average of good lives. Liberality in the rate was urged by several as necessary to give Satisfaction & prevent a refusal of the offer. For this motion there were 6 ayes, 5 noes; the Southern States & N.Y. being in the affirmative, the Eastern & N.J. in the negative. Col. Bland proposed 6½ erroneously supposing the negative of 6 to have proceeded from its being too low. It was on the contrary rather doubtful whether the East. States wd. concur in any arrangemt. on this head; so averse were they to what they call pensions. Several having calculated that the annual amount of half-pay was between 4 & 500,000 Drs, and the interest of the gross sum funded at the rate of 6 years, nearly ⅔ of that sum, Congress were struck with the necessity of proceeding with more caution & for that purpose committed the report to a Committee of 5.⁷ Mr. Osgood, Mr. Fitzimmons, Mr. Gervais, &c.⁸

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:129–32.

¹ For the ratification of this contract with the court of France on January 22, see *JCC*, 24:50–64, especially the concluding paragraph beginning "Now know ye," p. 63. For previous parallel "acknowledgmts." that Secretary Thomson may have had in mind, see *JCC*, 11:457–58, 20:638–40, 22:68–70.

² That is, on the memorial from the army, for which see Madison's Notes, January 24; and *JCC*, 24:93–95.

³ For the vote on this issue, see *JCC*, 24:93–94. For Robert Morris' opposition to extending the states' responsibility for the pay and depreciation of their Continental troops beyond August 1, 1780, which would undermine his authority for settling army claims after that date, see Morris, *Papers* (Ferguson), 7:150–52.

⁴ At this point Madison inserted an asterisk to which he keyed the following note: "The day of August being re-instated before question on the whole paragraph was taken Mr. Ghorum objected to the word 'general' before funds as ambiguous, and it was struck out; not however as improper if referring to all the States, & not to all objects of taxation. Without this word the clause passed unanimously, even Rhode Island concurring in it."

⁵ See *JCC*, 24:95; and Hamilton, *Papers* (Syrett), 3:243–45.

⁶ Apparently the tables published in the appendix to Dr. Richard Price's *Observations on Reversionary Payments; on Schemes for Providing Annuities for Widows, and for Persons in Old Age; on the Method of Calculating the Values of Assurances on Lives; and on the National Debt* (London: T. Cadell, 1771). The 7th edition of this work, published in 1812, also includes Price's essay "Observations on the Expectations of Lives . . .," which was published in the Philosophical Transactions of the Royal Society for 1769, and was cited by the editors of the Madison Papers in connection with this reference to Dr. Price. See Madison, *Papers* (Hutchinson), 6:131n.9.

⁷ For the debate on this committee's report, see Madison's Notes, February 4, 1783.

⁸ At this point Madison inserted an asterisk, to which he keyed the following note: "On the motion of Mr. Wilson Monday next was assigned for the consideration of the Resolu. in the 2d clause of the Rept. on the Memorial from the army. He observed that this was necessary to prevent the resolu. from being like many others—*vox et pretereā nihil* ['a voice and nothing more']."

Hugh Williamson to Alexander Martin

Dear Sir,

Philadelphia Jany 25th. 1783

On the 18th of August Mr. Blount & myself had the honor to enclose you the Copy of an address that we had presented on the 14th to the Minister of France together with his answer.¹

Some Days ago the Delegates received from the Minister of France an official Communication of which the enclosed is a Copy.² This you will be so good as to communicate to the General Assembly. We flatter ourselves that the attention which the Court of France has been pleased to pay to the address will justify the opinion we had formed with respect to the propriety of such a measure.

I have the honor to be &ca,

Hu Williamson

Tr (Nc-Ar: Governors' Letterbooks).

¹ See North Carolina Delegates to Martin, August 18, 1782, note 2.

² A transcript of the chevalier de La Luzerne's January 10 letter of thanks to North Carolina is in the Governors' Letterbooks, 5:372, Nc-Ar, a translation of which has been printed in *N.C. State Records*, 16:726.

James Madison's Notes of Debates

Monday 27 Jany. 1783.

A letter from Genl. Washington was rcd. notifying the death of Lord Sterling & inclosing a report of the Officer sent to apprehend Knowlton & Wells. (See).¹ The following is an extract from the report "he (one Israel Smith) further sd. that Knowlton & Wells had recd. a lettr. from Jonathan Arnold Esqr. at Congress part of which was made public, which informed them that affairs in Congress were unfavorable to them & wd. have them look out for themselves. What other information this letter contained he cd. not say—I found in my March thro' the State that the last mentioned gentleman was much in favor with all the principal men in that State I had any conversation with."²

Mr. Arnold being present at the reading informed Congress that he was surprized how such a notion should have prevailed with respect to him; that he had never held any correspondence with

either Knowlton or Wells; and requested that he might be furnished with the extract above. In this he was indulged without opposition. But it was generally considered, notwithstanding his denial of the correspondence, that he had at least at second hand, conveyed the intelligence to Vermont.³

A long petition was read, signed as alledged by near two thousand inhabitants (but all in the same hand writing), of the territory lately in controversy between Pa. & Va. complaining of the greivances to which their distance from public authority exposed them & particularly of the late law of Pena. interdicting even consultations about a new State within its limits; and praying that Congress wd. give a sanction to their independence & admit them into the Union. The Petition lay on the table without a single motion or remark relative to it.⁴ The order of the day was called for, to wit the Resolution of Saturday last in favor of adequate & substantial funds.⁵

This subject was introduced by Mr. Wilson with some judicious remarks on its importance & the necessity of a thorough & serious discussion of it. He observed that the U. States had in the course of the revolution displayed both an unexampled activity in resisting the enemy, and an unexampled patience under the losses & calamities occasioned by the war. In one point only he said they had appeared to be deficient & that was a cheerful payment of taxes. In other free Govts. it had been seen that taxation had been carried farther & more patiently borne than in States where the people were excluded from the Govts., the people considering themselves as the sovereign as well as the subject; & as receiving with one hand what they paid with the other. The peculiar repugnance of the people of the U. S. to taxes he supposed proceeded first from the odious light in which they had been under the old Govt. in the habit of regarding them; 2dely. from the direct manner in wch. taxes in this Country had been laid; whereas in all other countries taxes were paid in a way that was little felt at the time. That it cd. not proceed altogether from inability he said must be obvious: Nay that the ability of the U. S. was equal to the public burden might be demonstrated. According to the calculations of the best writers the inhabitants of G. B. paid before the present war at the annual rate of at least 25s. Sterlg per head. According to like calculations the inhabitants of the U. S. before the revolution paid indirectly & insensibly at the rate of at least 10s. Sterlg per head. According to the computed depreciation of the paper emissions, the burden insensibly borne by the inhabitants of the U. S. had amounted during the first three or four years of the war to not less than twenty Million of dollars per annum, a burden too which was the more oppressive as it fell very unequally on the people. An inability therefore could not be urged as a plea for the extreme deficiency of the revenue contributed by the States, which did not amount during the past year to $\frac{1}{2}$ a million of dollars, that is to $\frac{1}{6}$ of a dollar per head.

Some more effectual mode of drawing forth the resources of the Country was necessary. That in particular it was necessary that such funds should be established as would enable Congress to fulfill those engagements which they had been enabled to enter into. It was essential he contended that those to whom were delegated the power of making war & peace should in some way or other have the means of effectuating these objects; that as Congress had been under the necessity of contracting a large debt justice required that such funds should be placed in their hands as would discharge it; that such funds were also necessary for carrying on the war; and as Congress found themselves in their present situation destitute both of the faculty of paying debts already contracted, and of providing for future exigences, it was their duty to lay that situation before their constituents; and at least to come to an *eclaircissement* on the subject; he remarked that the establisht. of certain funds for payg wd. set afloat the public paper; adding that a public debt resting on general funds would operate as a cement to the confederacy, and might contribute to prolong its existence, after the foreign danger ceased to counteract its tendency to dissolution. He concluded with moving that it be Resol[ve]d

"That it is the opinion of Congress that complete justice cannot be done to the Creditors of the United States, nor the restoration of public credit be effected, nor the future exigences of the war provided for, but by the establishment of *general* funds to be collected by Congress."

This motion was seconded by Mr. Fitzimmons. Mr. Bland desired that Congress wd. before the discussion proceeded farther, receive a communication of sundry papers transmitted to the Virga. Delegates by the Executive of that State; two of which had relation to the question before Congress. These were 1st. a Resolution of the Genl. Assembly declaring its inability to pay more than £50,000 Va. currency towards complying with the demand of Congress. 2dly. the Act repealing the Act granting the impost of 5 PerCt. These papers were receiv'd and read.⁶

Mr. Wolcot expressed some astonishment at the inconsistency of the two acts of Va.; supposed that they had an unfavorable aspect on the business before Congress; & proposed that the latter sh. be postponed for the present. He was not seconded.

Mr. Ghorum favored the general idea of the motion, animadverted on the refusal of Virga. to contribute the necessary sums & at the same moment repealing her concurrence in the only scheme that promised to supply a deficiency of contributions, thought the motion however inaccurately expressed, since the word "general" might be understood to refer to every possible object of taxation as well as to the operation of a particular tax throughout the States: he observed that the nonpayment of the 1,200,000 Drs. demanded by Congress for paying the interest on the (*interl*) debts for the year demonstrated that the constitutional mode of annual requisitions was defective; he intimated

that lands were already sufficiently taxed; that polls & commerce were the most proper objects. At his instance the latter part of the motion was so amended as to run "establishment of permanent & adequate funds to operate generally throughout the U. States."

Mr. Hamilton went extensively into the subject, the sum of it was as follows: he observed that funds considered as permanent sources of revenue were of two kinds, 1st. such as wd extend generally & uniformly throughout the U. S. & wd. be collected under the authority of Congs. 2dly. such as might be established separately within each State, & might consist of any objects which were chosen by the States, and which might be collected either under the authority of the States or of Congs. Funds of the 1st kind he contended were preferable; as being 1st more simple, the difficulties attending the mode of fixing the quotas laid down in the confederation rendering it extremely complicated & in a manner insuperable: as being more certain; since the States according to the secd. plan wd. probably retain the collection of the revenue and a vicious system of collection prevailed generally through the U. S. a system by which the collectors were chosen by the people & made their offices more subservient to their popularity than to the public revenue—& as being more æconomical, since the collection would be effected with fewer officers under the management of Congress, than under that of the States.⁷

Mr. Ghorum observed that Mr. Hamilton was mistaken in the representation he had given of the collection of taxes in several of the States; particularly in that of Massachussetts, where the collection was on a footing which rendered it sufficiently certain. Mr. Wilson having risen to explain some things which had fallen from him; threw out the suggestion that several branches of Revenue if yielded by all the States, would perhaps be more just & satisfactory than any single one; for example an impost on trade combined with a land tax.

Mr. Dyer expressed a strong dislike to a collection by officers appointed under Congress, & supposed the States would never be brought to consent to it.

Mr. Ramsay was decidedly in favor of the proposition. Justice he said entitled those who had lent their money & services to the U. S. to look to them for payment; that if general & certain revenues were not provided, the consequence wd. be that the army & public Creditors would have soon to look to their respective States only for satisfaction; that the burden in this case wd. fall unequally on the States; that rivalships relative to trade wd. impede a regular impost & wd. produce confusions amg. the States; that some of the States would never make of themselves provision for half pay and that the army wd. be so far defrauded of the rewards stipulated to them by Congress; that altho' it might be uncertain whether the States wd. accede to plans founded on the proposition before the house, yet as Congress was convinced of its truth & importance it was their duty to make the experiment.

Mr. Bland thought that the ideas of the states on the subject were so adverse to a general revenue in the hands of Congs. that if such a revenue were proper it was unattainable; that as the deficiency of the contributions from the States proceeded not from⁸ complaints of their inability but of the inequality of the apportionments, it would be a wiser course to pursue the rule of the confederation, to wit to ground the requisition on an actual valuation of lands; that Congress wd. then stand on firm ground & try a practicable mode.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:133–41.

¹ For Washington's January 20 letter, see Elias Boudinot to Washington, January 29, 1783. In the space left blank, Madison apparently intended to add a reference to his notes of debates of November 25 and 27, 1782; but for the directive to apprehend Luke Knowlton and Samuel Wells, see Boudinot to Washington, November 27, 1782, note 2.

² See Boudinot to Washington, January 29, note 3.

³ See Jonathan Arnold to Washington, January 28 and February 11, 1783.

⁴ This petition, endorsed by Charles Thomson "Petition of the Inhabitants On the West side of Laurel Hill—Praying to be Erected into a new State & taken into the federal Union. Read Jan'y 27th 1783," is in PCC, item 48, fol. 251.

⁵ That is, "for funding the whole debt of the United States." See *JCC*, 24:95; and Madison's Notes, January 25, 1783.

⁶ See Virginia Delegates to Benjamin Harrison, January 28, 1783, note 1.

⁷ For Hamilton's own words on taxation, particularly in his own state of New York, see Hamilton, *Papers* (Syrett), 3:135–37, 181.

⁸ At this point Madison inserted an asterisk to which he keyed the following note: "The papers just read from Virga. complained of her inability without mentioning an inequality. This was deemed a strange assertion."

Jonathan Arnold to George Washington

Sir. Philadelphia January 28th. 1783.

Your Letter of ¹ to his Excellency the President of Congress inclosed a report from Capt Mackomber of the Rhode Island Line—in the latter part of which is a Clause purporting to be information the said Capt. Mackomber received from a Mr. ——— Smith, of a transaction, which if true would justly rank me with the most infamous & execrable of Mankind.

To such an attack upon my Character which I presume to say, sir, has hitherto stood unblemished in public & private life—at present I can only oppose the solemn declaration, That I am not guilty of the charge Stated & implied in the said report—That I have not written, said or done any thing, directly nor indirectly, which could give foundation for such an injurious imputation—And this declaration I make upon my Honor.²

I trust, your Excellency will suspend forming an Opinion upon the subject, until I can take the necessary Steps to investigate so malignant a design against me.

The peculiarly delicate situation in which I am placed by the said report, will I hope render an Apology for this, and such further Appli-



Jonathan Arnold

cations as I shall be necessitated to make, in developing this at present dark & mysterious affair, unnecessary.

I have the Honor to be, with the highest esteem, consideration & respect, Your Excellency's Obedient & very humble Servt.

Jona. Arnold

RC (DLC: Washington Papers).

¹ That is, Washington's January 20 letter, which was read in Congress on January 27. It contained an accusation that Arnold had sent a letter to Vermont warning Luke Knowlton and Samuel Wells of their impending arrest for a "dangerous correspondence and intercourse with the enemy," thereby eluding Capt. Ebenezer Macomber, who had been sent by Washington to carry out the arrest. Arnold did acknowledge writing to Vermont leaders Thomas Chittenden and Jonas Fay at about that time, and promised to produce copies of the letters, but ultimately failed to, for which see Arnold to Washington, February 11, 1783. See also James Madison's Notes of Debates, January 27; Elias Boudinot to Washington, November 27, 1782, and January 29, 1783; Washington, *Papers* (Fitzpatrick), 25:350–51, 394, 407–8, 26:53–54, 96, 144–45; and Walton, *Records of Vermont*, 2:259–60.

² However, for a letter suggestive of Arnold's connections with developments in Vermont, see Arnold to Daniel Cahoon, November 4 and 15, 1782.

Elias Boudinot to Benjamin Lincoln

My dear Genl

Philadelphia Jany 28th 1783

I was Honored with the recp^l of your Letter of the 9th Inst pr Post—I having nothing new to Communicate and the design of this is to Comply with my promise, in Acquainting you, that, altho' there is no immediate Business that demands your presence yet I believe if you could return By the middle of Feb^y or thereabouts without any great Inconvenience to your private affairs, that it would give great satisfaction to Congress^l—I do not mean to hurry you, but only to hint my opinion on the appearance of things at present. Mrs Boudinot & Miss Susan return the most respectful & affectionate Compliments to Mrs Lincoln & yourself. . . .

I am my Dr Sir with great Esteem, Your most Obedient & very Hble Servt,

E. Boudinot.

MS not found; reprinted from Boudinot, *Life and Letters*, 1:287–88.

¹ Lincoln had been on a trip to visit his family in Massachusetts since December 15 or 16, having obtained leave from Congress on December 11. See JCC, 23:783; and Abraham Clark to Elias Dayton, December 16, 1782, note 2. His January 9 letter to Boudinot is in neither the PCC nor Lincoln Papers, MHi.

Daniel Carroll to William Paca

Dear sr.

Pha. Jany 28th. 1783

I have to acknowledge the receipt of your favors by two posts. I waited on the Minister of France, & made the communication you

requested. The Assistant Secretary at war informs me, that he has forwarded the appointment for Majr. Davison.¹

I have the honor to be with great respect & esteem, sr. Your. mo.
Obet Servt, Danl. Carroll

RC (MdAA: Red Books).

¹ See *Md. Archives*, 48:337, 345. The Maryland Council had recommended Maj. John Davidson to the post of "Intendant of Naval Prisoners at Baltimore."

James Madison's Notes of Debates

Tuesday Jany. 28th. 1783

The subject yesterday under discussion was resumed. A division of the question was called for by Mr. Wolcott so as to have a distinct question on the "words to be collected by Congress" wch. he did not like.¹

Mr. Wilson considered this mode of collection as essential to the idea of a general revenue, since without it the proceeds of the revenue wd. depend entirely on the punctuality, energy & unanimity of the States, the want of which led to the present consideration.

Mr. Hamilton was strenuously of the same opinion.

Mr. Fitzimmons informed Congress that the Legislature of Penna. had at their last meeting been dissuaded from appropriating their revenue to the payment of their own Citizens Creditors of the U. S. instead of remitting it to the continental treasury; merely by the urgent representations of a Committee of Congress & by the hope that some general system in favr. of all the public creditors would be adopted; that the Legislature were now again assembled; and altho sensible of the tendency of such an example, thought it their duty & meant in case the prospect of such a system vanished to proceed immediately to the separate appropriations formerly in contemplation.

On the motion of Mr. [Madison] the whole proposition was new-modelled as follows;

"That it is the opinion of Congress that the establishment of permanent & adequate funds to operate generally throughout the U. States is indispensibly necessary for doing complete justice to the Creditors of the U. S., for restoring public credit, & for providing for the future exigences of the war." The words "to be collected under the authority of Congress["] were as a separate question left to be added afterwards.

Mr. Rutledge objected to the term "generally", as implying a degree of uniformity in the tax which would render it unequal. He had in view particularly a land tax according to quantity as had been proposed by the office of finance. He thought the prejudices of the people opposed to the idea of a general tax & seemed on the whole to be disinclined to it himself, at least if extended beyond an impost on

trade; urging the necessity of pursuing a valuation of land, and requisitions grounded thereon.

Mr. Lee 2ded. the opposition to the term "general." He contended that the States wd. never consent to a uniform tax because it wd. be unequal; that it was moreover repugnant to the articles of confederation; and by placing the purse in the same hands with the sword, was subversive of the fundamental principles of liberty. He mentioned the repeal of the impost by Virga. himself alone opposing it & that too on the inexpediency in point of time as proof of the aversion to a general revenue. He reasoned upon the subject finally as if it was proposed that Congress sd. assume & exercise a power immediately & without the previous Sanction of the States, of levying money on them. In consequence,

Mr Wilson rose & explained the import of the motion to be that Congress should recommend to the States the investing them with power. He observed that the confederation was so far from precluding, that it expressly provided for future alterations; that the power given to Congress by that Act was too little not too formidable, that there was more of a centrifugal than centripetal force in the States, & that the funding of a common debt in the manner proposed would produce a salutary invigoration & cement of the Union.

Mr. Elsworth acknowledged himself to be undecided in his opinion: that on the one side he felt the necessity of continental funds for making good the continental engagements but on the other desponded of a unanimous concurrence of the States in such an establishment. He observed that it was a question of great importance how far the federal govt. can or ought to exert coercion against delinquent members of the confederacy; & that without such coercion no certainty could attend the constitutional mode which referred every thing to the unanimous punctuality of thirteen different councils. Considering therefore a continental revenue as unattainable, and periodical requisitions from Congress as inadequate, he was inclined to make trial of the middle mode of permanent State funds, to be provided at the recommendation of Congs. and appropriated to the discharge of the common debt.

Mr. Hamilton in reply to Mr. Elsworth dwelt long on the inefficacy of State funds, He supposed too that greater obstacles would arise to the execution of the plan than to that of a general revenue. As an additional reason for the latter to be collected by officers under the appointment of Congress, he signified that as the energy of the foederal Govt. was evidently short of the degree necessary for pervading & uniting the States it was expedient to introduce the influence of officers deriving their emoluments from & consequently interested in supporting the power of, Congress.²

Mr. Williamson was of opinion that continental funds altho' desirable, were unattainable at least to the full amount of the public exigences. He thought if they could be obtained for the foreign debt, it

would be as much as could be expected, and that they would also be less essential for the domestic debt.

Mr. Madison observed that it was needless to go into proofs of the necessity of payg. the public debts; that the idea of erecting our national independence on the ruins of public faith and national honor must be horrid to every mind which retained either honesty or pride; that the motion before Congress contained a simple proposition with respect to the truth of which every member was called upon to give his opinion. That this opinion must necessarily be in the affirmative, unless the several objects; of doing justice to the public Creditors, &c &c, could be compassed by some other plan than the one proposed, that the 2 last objects depended essentially on the first; since the doing justice to the Creditors alone wd. restore publi[c] credit, & the restoration of this alone could provide for the future exigencies of the war. Is then a continl revenue indispensibly necessary for doing complete justice &c? This is the question. To answer it the other plans proposed must first be reviewed.

In order to do complete justice to the public Creditors, either the principal must be paid off, or the interest paid punctually. The 1st. is admitted to be impossible on any plan. The only plans opposed to the continl one for the latter purpose; are 1st. periodical requisitions according to the foederal articles: 2dly. permanent funds established by each State within itself & the proceeds consigned to the discharge of public debts.

Will the 1st be adequate to the object? The contrary seems to be maintained by no one. If reason did not sufficiently premonish, experience has sufficiently demonstrated that a punctual & unfailing compliance by 13 separate & independent Govts. with periodical demands of money from Congress, can never be reckoned upon with the certainty requisite to satisfy our present creditors, or to tempt others to become our creditors in future.

2dly. Will funds separately established within each State & the amount submitted to the appropriation of Congress be adequate to the object? The only advantage which is thought to recommend this plan, is that the States will be with less difficulty prevailed upon to adopt it. Its imperfections are 1st. that it must be preceded by a final & satisfactory adjustment of all accts. between the U. S. and individual States; and by an apportionment founded on a valuation of all the lands throughout each of the States in pursuance of the law of the confederation: for although the States do not as yet insist on these prerequisites in the case of annual demands on them with wch. they very little comply & that only in the way of an open acct.; yet these conditions wd. certainly be exacted in case of a permanent cession of revenue; and the difficulties & delays to say the least incident to these conditions, can escape no one. 2dly. the produce of the funds being always in the first instance in the hands & under the controul of the

States separately, might at any time & on various pretences, be diverted to State-objects. 3dly. That jealousy which is as natural to the States as to individuals & of which so many proofs have appeared, that *others* will not fulfil their respective portions of the common obligations, will be continually & mutually suspending remittances to the common treasury, until it finally stops them altogether. These imperfections are too radical to be admitted into any plan intended for the purposes in question.

It remains to examine the merits of the plan of a general revenue operating throughout the U. S. under the superintendence of Congress.

One obvious advantage is suggested by the last objection to separate revenues in the different States; that is, it will exclude all jealousy among them on that head, since each will know whilst it is submitting to the tax, that all the others are necessarily at the same instant bearing their respective portions of the burden.

Another advantage attending a general revenue is that in case of the concurrence of the States in establishing it, it would become soonest productive; and would consequently soonest obtain the objects in view. Nay so assured a prospect would give instantaneous confidence & content to the public creditors at home & abroad, and place our affairs in the most happy train.

Again it will take from the States the opportunity as well as the temptation to divert their incomes from the general to internal purposes since these incomes will pass *directly* into the treasury of the U.S.³

That the consequences of with respect to the Union, of omitting such a provision for the debts of Union also claimed particular attention. The tenor of the memorial from Penna. and of the information just given on the floor by Mr. F one of its delegates rendered it extremely probable that that State would as soon as it sd. be known that Congress had declined such provision or the States rejected it, appropriate the revenue required by Congress, to the payment of its own Citizens & troops, creditors of the U.S. The irregular conduct of other States on this subject enforced by such an example could not fail to spread the evil throughout the whole continent. What then wd become of the confederation? What wd. be the authority of Congress? Wt. the tie by which the States cd. be held together? What the source by which the army could be subsisted & cloathed? What the mode of dividing & discharging our foreign debts? What the rule of settling the internal accts? What the tribunal by which controversies amg the States could be adjudicated?

It ought to be carefully remembered that this subject was brought before Congress by a very solemn appeal from the army to the justice & gratitude of their Country. Besides immediate pay, they ask for permanent security for arrears. Is not this request a reasonable one? will it be just or politic to pass over the only adequate security that can be

devised, & instead of fulfilling the stipulations of the U. S. to them, to leave them to seek their rewards separately from the States to which they respectively belong? The patience of the army has been equal to their bravery, but that patience must have its limits; and the result of despair cannot be foreseen, nor ought it to be risked.

It has been objected agst. a general revenue that it contravenes the articles of confederation. These Articles as has been observed have presupposed the necessity of alterations in the fœderal system & have left a door open for them: They more[over] authorize Congress to borrow money. Now in order to borrow money permanent & certain provision is necessary, & if this provision cannot be made in any other way as has been shewn, a general revenue is within the spirit of the confederation.

It has been objected that such a revenue is subversive of the sovereignty & liberty of the States. If it were to be assumed without the free gift of the States this objection might be of force, but no assumption is proposed. In fact Congress are already invested by the States with the constitutional authority over the purse as well as the sword. A general revenue would only give this authority a more certain & equal efficacy. They have a right to fix the *quantum* of money necessary for the common purposes. The right of the States is limited to the *mode* of supply. A requisition of Congress on the States for money is as much a law to them; and their revenue acts when passed are laws to their respective Citizens. If for want of the faculty or means of enforcing a requisition, the law of Congress proves inefficient; does it not follow that in order to fullfil the views of the fœderal constitution, such a change sd. be made as will render it efficient? Without such efficiency the end of this Constitution which is to preserve order & justice among the members of the Union, must fail; as without a like efficiency would the end of State constitutions wch. is to preserve like order & justice among its members.

It has been objected that the States have manifested such aversion to the impost on trade as renders any recommendations of a general revenue hopeless & imprudent. It must be admitted that the conduct of the States on that subject is less encouraging than were to be wished. A review of it however does not excite despondence. The impost was adopted immediately & in its utmost latitude by several of the States. Several also which complied partially with it at first, have since complied more liberally. One of them after long refusal has complied substantially. Two States only have failed altogether & as to one of them it is not known that its failure has proceeded from a decided opposition to it. On the whole it appears that the necessity & reasonableness of the scheme have been gaining ground among the States. He was aware that one exception ought to be made to this inference: an exception too wch peculiarly concerned him to advert

to. The State of Virga as appears by an Act yesterday laid before Congress, has withdrawn its assent once given to the scheme. This circumstance cd. not but produce some embarrassment in a representative of that State advocating the scheme, one too whose principles were extremely unfavorable to a disregd. of the sense of Constitnts. But it ought not to deter him from listening to considerations which in the present case ought to prevail over it. One of these considerations was that altho' the delegates who compose Congress, more immediately represented & were amenable to the States from which they respectively come, yet in another view they owed a fidelity to the collective interests of the whole. 2dly. Altho' not only the express instructions, but even the declared sense of constituents as in the present case, were to be a law in general to the representatives, still there were occasions on which the latter ought to hazard personal consequences from a respect to what his clear conviction determines to be the true interest of the former; and the present he conceived to fall under this exception. Lastly the part he took on the present occasion was the more fully justified to his own mind by his thorough persuasion, that with the same knowledge of public affairs which his station commanded,⁴ the Legislature of Va would not have repealed the law in favor of the impost & would even now rescind the repeal.

The result of these observations was that it was the duty of Congress under whose authority the public debts had been contracted to aim at a general revenue as the only means of discharging them; & that this dictate of justice & gratitude was enforced by a regard to the preservation of the confederacy, to our reputation abroad & to our internal tranquility.

Mr. Rutledge complained that those who so strenuously urged the necessity & competency of a general revenue operating⁵ throughout all the States at the same time, declined specifying any general objects from which such a revenue could be drawn. He was thought to insinuate that these objects were kept back intentionally untill the general principle cd. be irrevocably fixed when Congs. wd. be bound at all events to go on with the project, whereupon Mr. Fitzsimmons expressed some concern at the turn wch. the discussion seemed to be taking. He said that unless mutual confidence prevailed no progress could be made towards the attainment of those ends wch. all in some way or other aimed at. It was a mistake to suppose that any specific plan had been preconcerted among the patrons of a general revenue.

Mr. Wilson with whom the motion originated gave his assurances that it was neither the effect of preconcert with others, nor of any determinate plan matured by himself, that he had been led into it, by the declaration on Saturday last by Congs. that substantial funds ought to be provided; by the memor[i]al of the army from which that declaration had resulted, by the memorials from the State of Pa. holding out the idea of separate appropriations of her revenue unless provision were made for the public creditors, by the

deplorable & dishonorable situation of public affairs which had compelled Congress to draw bills on the unpromised & contingent bounty of their ally, and which was likely to banish the Superintdt. of Finance whose place cd not be supplied, from his department. He observed that he had not introduced details into the debate because he thought them premature, until a general principle should be fixed; and that as soon as the pri[n]ciple sd. be fixed he would altho' not furnished with any digested plan, contribute all in his power to the forming such a one.

Mr. Rutledge moved that the proposition might be committed in order that some practicable plan might be reported, before Congress sd. declare that it ought to be adopted.

Mr. Izard 2ded. the motion from a conciliating view.

Mr. [Madison] thought the commitment unnecessary; and would have the appearance of delay; that too much delay had already taken place, that the deputation of the army had a right to expect an answer to their memorial as soon as it could be decided by Congress. He differed from Mr. W. in thinking that a specification of the objects of a general revenue would be improper, and thought that those who doubted of its practicability had a right to expect proof of it from details before they cd. be expected to assent to the general principle; but he differed also from Mr. R. who thought a commitment necessary for the purpose; since his views would be answered by leaving the motion before the house and giving the debate a greater latitude. He suggested as practicable objects of a general revenue, 1st. an impost on trade, 2dly. a poll tax under certain qualifications, 3dly. a land tax under do.⁶

Mr. Hamilton suggested a house & window tax.⁷ He was in favor of the mode of conducting the discussion urged by Mr. Madison.

On the motion for the comit. 6 States were in favor of it, & five agst. it, so it was lost—in this vote the merits of the main proposition very little entered.

Mr. Lee said that it was a waste of time to be forming resolutions & settling principles on this subject. He asked whether these wd. ever bring any money into the public treasury. His opinion was that Congress ought in order to guard agst. the inconveniency of meetings of the different Legislatures at different & even distant periods, to call upon the Executives to convoke them all at one period, & to lay before them a full state of our public affairs. He said the States would never agree to those plans which tended to aggrandize Congress; that they were jealous of the power of Congress; & that he acknowledged himself to be one of those who thought this jealousy not an unreasonable one; that no one who had ever opened a page or read a line on the subject of liberty, could be insensible to the danger of surrendering the purse into the same hand which held the sword.⁸

The debate was suspended by an adjournment.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:141–54.

¹ The “subject” was James Wilson’s motion for “the establishment of *general* funds to be collected by Congress.” See Madison’s Notes, January 27, 1783.

² Madison inserted an asterisk at this point, to which he keyed the following note: “This remark was imprudent & injurious to the cause wch. it was meant to serve. This influence was the very source of jealousy which rendered the States averse to a revenue under the collection as well as appropriation of Congress. All the members of Congress who concurred in any degree with the States in this jealousy smiled at the disclosure. Mr. B[land] & still more Mr. L[ee] who were of this number took notice in private conversation that Mr. H[amilton] had let out the secret.”

³ Madison later marked this manuscript to indicate that he wished this paragraph to precede the preceding one commencing “Another advantage. . . .”

⁴ At this point Madison lined out the words “but which could not have been disclosed to the Legislature.”

⁵ Madison inserted an asterisk at this point, to which he keyed the following note: “he was apprehensive that a tax on land according to its quantity not value as had been recomd. by Mr. Morris was in contemplation.”

⁶ Madison inserted an asterisk at this point, to which he keyed the following note: “a poll tax to be qualified by rating blacks some what lower than whites—a land tax—by considering the value of land in each State to be in an inverse proportion of its quantity to the no. of people; and apportioning on the aggregate quantity in each State accordingly, leaving the State at liberty to make a distributive apportionmt. on its several districts, on a like or any other equalizing principle.”

⁷ For a fuller expression of Alexander Hamilton’s views on this subject, see Hamilton’s Notes on Funding the Debt, February–April? 1783.

⁸ See also Arthur Lee to Samuel Adams, January 29, 1783.

James Madison to Edmund Randolph

My dear Sir,

Philada. 28th Jany. 1783.

Notwithstanding the precariousness of the passage over the Susquehanna your favor of the 15th inst. was duly recd. yesterday.¹ I will mention to Mr. J.² your apology for the failure of the remittance, but if I mistake not it will be very little necessary, he having settled the affair of Mr. H.³ in a way that does not require the payment in question.

The revival of Com[mittees] would be a ticklish experiment, and I conceive not admissible but in the last necessity. Would not the circulation of a free & well informed gazette sufficiently counteract the malignant rumours wch. require some antidote? The preparation & circulation of such a paper wd. be a much more easy & æconomical task, than the services which the other expedient would impose if extended throughout the Country, besides that it would produce other useful effects & be liable to no objections. The state of darkness in which the people are left in Va. by the want of a diffusion of intelligence is I find a subject of complaint.

Yesterday was employed in agitating the expediency of a proposition declaring it to be the “opinion of Congress that the establishment of *Genl* funds is essential for doing complete justice to the Creditors of the U.S. for restoring public credit, & for providing for the exigences

of the war." The subject was brought on by the Memorial from the army.⁴ Such of the Virga. Delegates as concur in this opinion are put in a delicate situation by the preamble to the late repeal of the impost. Persuaded as I am however of the truth of the proposition, & believing as I do that with the same knowledge of facts which my station commands, my Constituents would never have passed that act, and would now rescind it, my assent will be hazarded. For many reasons which I have not time to explain in cypher it is my decided opinion that unless such funds be established, the foundations of our Independence will be laid in injustice & dishonor, and that the advantages of the Revolution dependent on the foederal compact will be of short duration.

We yesterday laid before Congress sundry papers transmitted by the Govr. The light in which the protest of inability to pay the annual requisition, compared with the repeal of the Impost law placed Virga. did not you may be sure escape observation.⁵

Penna. continues to be visited by the consequences of her patronage of Vermont. A Petation from the inhabitants of territory lately in dispute between her & Virga. was yesterday read in Congs. complaining among other grievances of the interdict agst. even consultations on the subject of a new State within the limits of the former; and praying for the sanction of Congress to their independence, & for an admission into the Union.⁶

Mr. J——on left us on Sunday morning for Baltimore where he is to embark on a French frigate.⁷ Col. Bland had arrived at the date of my last. Mr. Lee arrived on Sunday. We hear nothing of Mr. Mercer more than that he may be soon expected.⁸

The only despatches recd. since my last from abroad, are those from Mr. Adams containing copies of the Treaty of Amity & commerce with the U. Provinces & a convention relative to recaptures. They are expressed in two columns one Dutch & the other American, the former signed by the Dutch Plenipos. & the latter by Mr. Adams. The language of the American column is obscure, abounding in foreign idioms & new coined words, with bad grammar & misspellings. They have been ratified & will as soon as possible be proclaimed. It became a question in Congress on which intelligent members were divided whether both columns or the American only ought to be inserted in the act of ratification. The former mode will be pursued.⁹ If yr. Library or your recollection can decide the point, favor me with the information.

RC (DLC: Madison Papers). In Madison's hand, though not signed. Madison, *Papers* (Hutchinson), 6:155–57.

¹ Ibid., pp. 43–45.

² That is, Joseph Jones.

³ James Henry.

⁴ See Madison's Notes, January 27 and this day.

⁵ See Madison's Notes, January 27, note 6.

⁶ Ibid., note 4.

⁷ Thomas Jefferson had left Philadelphia for Baltimore on January 26. On the 24th

Dr. Benjamin Rush had written to Jefferson enclosing a packet for Benjamin Vaughan to be delivered in Paris. Jefferson, *Papers* (Boyd), 6:223. In his haste to depart, Jefferson asked Madison to respond, who penned this message on January 25 on the verso of Rush's letter: "Mr. Jefferson informed me when he put this into my hands that he should not deliver the letter to Mr. B. Vaughan untill a peace shall be finally concluded; as he understood that he is a Secy. to one of the British Ministers." Madison Papers, DLC. See also Madison, *Papers* (Hutchinson), 6:132.

⁸ For the arrival of Theodorick Bland and Arthur Lee, see Madison to Edmund Randolph, January 22, and Lee to Samuel Adams, January 29, 1783, note 1. John Francis Mercer presented his credentials February 6, 1783. See *JCC*, 24:96, 110–111.

⁹ See Madison's Notes, January 23 and 24, 1783; and Madison, *Papers* (Hutchinson), 6:56–62.

North Carolina Delegates to Alexander Martin

Sir, Philadelphia January the 28th 1783

After passing an ordinance for regulating the Post Office; the southern States have at length obtained a resolution of Congress "That the Postmaster general be directed To continue the Southern Post to Savannah in Georgia, and that the Superintendant of Finance furnish the money necessary for the purpose."¹

By our Confederation Congress is not permitted to raise a revenue out of the Profits of the Post Office. But that office should maintain itself in the time of Peace, it doubtless will; with the addition of many by-Posts. At present, it would pay its own expence from Boston to Petersburg. But the further continuation will prove a tax on the Treasury of near two thirds of the expence of Post riders. Under the British Government for similar reasons the post did not ride on the Southern roads more than once a fortnight. He is now ordered to ride once a week: and if we have industry & wisdom enough to promote the trade of our Country, it is hoped that our Commercial correspondence may support the Post in a few Years at the present rates paid for Letters. In the meanwhile, as we have observed, the post will be a Tax on the Treasury & though we have been attentive as in duty bound to promote the Post, it is equally our duty to express our fears, that the Post may soon be discontinued, unless some attention is had in our State to regulating, both the ferries & the post road.

In order to accommodate the large trading Towns it is necessary that the Post should cross the broad ferry at Edenton, we presume that the broad ferries near Bath & New Bern may readily be shuned, by crossing at Washington. The causway at Wilmington is said at present to be absolutely impracticable. We presume that Government will think proper to interfere in this matter and cause the Bridges & roads to be properly repaired. With respect to the expence of ferries, as far as it relates to individuals, it is not our duty to make any remarks; but we hope that the County Courts will enable the Post to Pass at the antient Peace price, and if the Courts have at Present no such power, we flatter

ourselves that the General Assembly will give them such Power; or will take the necessary steps on the subject. For, at a time when Letters are carried & delivered at the antient Peace price; which is the case at present, the public have a right to expect that the Post shall be enabled to travel at the antient Price. It is not safe or just that the Public service should suffer by the arbitrary taxation of individuals. If the post should suffer or should be impeded by the neglect of Government—he doubtless must change his rout or be absolutely discontinued.

We have the Honor to be &c,

Benjamin Hawkins

Hu Williamson

Tr (Nc-Ar: Governors' Letterbooks).

¹ For these two December 24 congressional decisions, see *JCC*, 23:830–31.

Virginia Delegates to Benjamin Harrison

Sir,

Philadelphia Jany. 28th. 1783

Your Excellency's favors of the 4th & 11th are before us. We have laid before Congress the Enclosures which were intended for them; & shall acquaint your Excellency of their determinations upon them, as soon as they are made.¹ Mr. Nathan's affair is a matter of some difficulty in the arrangement. We do not see how either Party can be bound by an award, that is not founded on a rule of Court of Law, in a cause depending before it; nor have we any document to shew, that the State will be bound in consequence of some legislative Act authorising the Executive to submit the question to Arbitrators. But we shall advise on what is best to be done, & acquaint your Excellency with the result. It would be a matter of some doubt & delicacy to tempt Mr. Nathan by submitting so large a Sum to his Oath.²

We concur most cordially with your Excellency in rejoicing on the great event of the evacuation of Charles-town. A little time, we hope, will bring us decisive information, whether war or peace will be the issue of the present negotiations at Paris; & we shall lose no time in making the communication to your Excellency.

We have the honor to be with the profoundest respect, Yr Excellency's most obedt. & devotd Servts.

J Madison Jr.

A Lee

[P.S.] Congress recd. a few days ago a letter from Mr. Adams of the 8th of Oct. accompanied by copies of a Treaty of Amity & Commerce & of a Convention concerning recaptures, with the States Genl. Both of them have been ratified and will be published as soon as the length of them will admit.³

A Lee

RC (Vi: Continental Congress Papers). Written by Lee and signed by Lee and Madison. Postscript by Madison and signed by Lee. Madison, *Papers* (Hutchinson), 6:154–55.

¹ The delegates had acknowledged receipt of these letters the week before, for which see Virginia Delegates to Harrison, January 21, note. In his January 4 letter Harrison had enclosed copies of: (1) an act repealing the state's ratification of the impost proposal, (2) a resolution on Virginia's payment of its financial quota for 1782, (3) a resolution on the loss of state vouchers for money expended on behalf of Congress, (4) a resolution, with supporting documents, concerning the Yorktown merchant-capitulants contract, (5) instructions to the Virginia delegates against treaty provisions for the restitution of loyalist property, (6) a resolution concerning an exchange of cannon with the Continental army. Theodorick Bland had presented most of these papers to Congress on January 27. On the 31st those relating to the Yorktown contract, lost vouchers and quota payment were referred to a committee of five, chaired by Thomas FitzSimons, that reported on the first two of these items February 6, upon which Congress took action on the 10th. The committee failed to report, however, on the resolution regarding the quota and it was consequently discharged on May 6, 1783. See *JCC*, 24:96, 106, 121-23; *PCC*, item 75, fols. 375-83, item 185, 3:53, item 186, fol. 81, item 191, fol. 34. For the Yorktown contract, see Madison to Edmund Randolph, May 29, 1782, note 4. See also Madison's Notes, January 27 and February 10, 1783, note 1. The Virginia delegates did not submit their instructions regarding the restitution of loyalist property until March 20, 1783. See James Madison's Notes of Debates, March 20, 1783, note 1.

² For this latest episode in the Simon Nathan "affair," see Madison, *Papers* (Hutchinson), 6:14n.8, 30n.8; and Virginia Delegates to Harrison, February 4, 1783.

³ See Madison to Randolph, this date, note 9.

Elias Boudinot to George Washington

My dear General,

Philadelphia 29th January 1783

The unexpected and melancholy news of the death of the late Major General Lord Sterling, contained in your Excellency's letter of the 20th instant, was laid before Congress immediately on the receipt.¹

The special services rendered to his Country by that Nobleman, from the very earliest period of the present war to the day of his death, has not only rendered his memory, in the highest degree, respectable to Congress, but has entitled him to the warmest approbation of his Country.

Congress exceedingly regret this loss, not only as a valuable character in the Army, possessed of great bravery, perseverance and extraordinary military talents, but as a very important Citizen of the United States. They sincerely condole with your Excellency and the Army on this sorrowful occasion.

I am instructed to make this communication to your Excellency by the particular order of Congress, whose sense of the great merit of this Officer, will be best understood by the copy of their resolution for this purpose, which I do myself the honor to enclose.²

Congress approve of the circumspection with which your Excellency has managed the business relative to Vermont, and hope it will yet be carried into execution, altho' there is great reason to believe, from the circumstances being now known to some of the Eastern States, that it may be prevented.³

The honorable Gentleman alluded to in the report of Capt. McComber—has declared, upon his honor, that he has not wrote a

single word, directly or indirectly, to any person or persons in Vermont, or elsewhere, on the subject alluded to, and therefore begs that Capt. McComber may be desired to give the most particular information of the time, place and circumstances of his information, as he is greatly concerned that he should be suspected of any unfair practice on the occasion.

I have the honor to enclose a letter for your Excellency, from the honorable Mr. Jefferson, who left this on his way to Europe, a few days since.⁴

Mrs. Boudinot and Miss Susan join me in most affectionate compliments to Mrs. Washington.

I have the honor to be Dr Sir, with the most sincere respect, Your Excellency's Most obedt. & very humb. Servt.

Elias Boudinot

RC (DLC: Washington Papers). In a clerical hand and signed by Boudinot.

¹ Washington's letter, which was read in Congress January 27, is in PCC, item 152, 11:59-62, and Washington, *Writings* (Fitzpatrick), 26:53-54.

² See JCC, 24:96.

³ Washington had enclosed a report by Capt. Ebenezer Macomber concerning Congress' directive to Washington to seize Luke Knowlton and Samuel Wells of the New Hampshire Grants for "intercourse with the enemy," for which see PCC, item 152, 11:63-66; Boudinot to Washington, November 27, 1782, note 2; and Jonathan Arnold to Washington, January 28.

⁴ Thomas Jefferson's January 22 letter to Washington is in Jefferson, *Papers* (Boyd), 6:222-23.

John Taylor Gilman to Meshech Weare

Sir

Philada. Jany. 29th. 1783.

I Inclose you Copy of the Resolutions which have been passed on the Subject of a Memorial from the Officers of the Army.¹ I fully Expected the States would have been called upon to Compleat the Settlements to the last Day of December (at least) but this was Overruled. What Measures the Superintendant of Finance will take for Effecting the Settlements after August 1780 I cannot say, no doubt they will be such as shall Appear to him most likely to produce the best general Effect. As to a Settlement being made by the Several States for retained Rations &c. this was One of the Articles Contained in the Memorial, the Report on which was Committed & is now under Consideration.

I should have Omitted sending these Resolutions untill the whole was Completed, but am not Certain it will be done in time to send you previous to the Next session of the Honble the Legislature, though I am not informed to what time they are adjourned, yet from a

Letter wrote previous to the adjournment suppose it is probable they may be in session before this reaches you. Have no late Accounts from Europe, nor any other News of Importance.

I have the Honor to be, Your Most Obedt. Servt.

John Taylor Gilman

RC (Nh–Ar: Revolutionary War Correspondence).

¹ For the adoption of these January 25 resolutions concerning the payment of Continental troops, see *JCC*, 24:93–95; and James Madison's Notes of Debates, January 25.

Nathaniel Gorham to John Lowell

Dear Sir

Philadelphia Jany 29th. 1783

I observe that the publications in the Boston news papers indicate a speedy peace, and by some letters I have received from thence I find they have made considerable impressions, but I conceive those publications are in some respects made in much stronger terms than advices received will justify, and in consequence thereof the people & perhaps the Government may fall into a secure and lethargic state, which at this time would be peculiarly unhappy and perhaps destructive.

Congress by their advices can only determine that the appearances of peace are rather encouraging than otherways, but any person of tolerable information must be sensible that the ministry of Great Britain never will dare, and that the King (if he has the power) never will chuse to accede to the independence of this Country without the approbation of parliament. And how that body would act was such a question submitted to their consideration is I think problematic.

If the warr continues another year the distress of Congress must be in the extream their embarresments being now very great. No prospect at present of further foreign loans—and four hundred thousand dollars only being received out of the 8 millions voted for the service of the year 82—and Virginia have sent forward an vote of their assembly purporting that they can pay only two hundred thousand out of the 1300000 dollars which is their proportion of that requisition.

And demands press us on every side, a committe from the army who have received no pay this two years insist upon some imediate payment, as allso a determination relative to the half pay—and that permanent security be given them for the ballance of their present pay.

The publick creditors here are violently clamorous for their interest money.

And Mr. Morris exceedingly distressed to make good his several engagements.

Judge then of our situation which is truly embarresing & will be increasingly so unless that State can be prevaild upon to establish some permanent & adequate funds.

Congress have for several days had this subject under their serious consideration what will be the result I know not.

It is absolutely necessary that all the States make the utmost exertions to comply with former requisitions, do therefor press upon our State the payment of the first moiety of the Continental tax.

Perhaps it will not be best to say much about the conduct of Virginia. Congress do not despair of bringing them to a more proper sense of their duty & interest both as to the money & impost.

I conclude with assuring that I am Your friend & humble Servant.

Nath Gorham

[P.S.] Please to make my Compliments to the Hon Mr Russell & your Lady.

RC (MH-H: bMS Am 1649.5).

Arthur Lee to Samuel Adams

My dear friend.

Philadelphia Jany. 29th. 1783

I arrivd here but three days since from Virginia¹ when I received your favor of the 21st of Novr. 1782.² I do not see by the Journals, that any thing has been done relative to the Mr. Burgess you mention, or that he has petitiond as you apprehend he intended, to be admitted a Citizen of the U.S.³ If he had, I conceive he woud have done it in vain. I remember that the recommendation not to admit any british Subject whatsoever, was on my motion;⁴ therefore you may be satisfyd that I shoud have concurrd with you, in objecting to one so particularly exceptionable as this Petitioner.

While you was thus employd in endeavoring to prevent the establishment of a british interest among us; you will not be a little surprized to hear that the following information was given to the House of Delegates in Virginia, & is now on their records, by a Mr. Mercer, & Col. Saml. Griffin stated as the witness to it, "That it was the public conversation at Philadelphia that there was a british Party on the Continent, at the head of which Messrs Adams, Messrs. Lees & Mr Laurens."

Col Griffin being calld before a Committee deposd That he heard this report about two years ago in Boston, & lately in Philadelphia, That it came from Mr. Hancocks Party, which he thought attachd to the french Alliance, the Congress & Genl Washington, because they were most popular and had two thirds of the Assembly on their side, That he had not mentiond Mr. Richard Henry Lee, nor J. Adams, as he did not hear such reports of them. But Mr. S. Adams & his Party, among whom he mentiond Genl. Warren, he thought were Enemies to the french Alliance, because some french frigates, having recapturd a vessel the Owner of which livd at some distance, & the French want-

ing the matter judgd immediately, Mr. S. Adams had influence enough with the Assembly to prevent it, The Agent for the French in that affair told him, Mr. S. Adams was an Enemy to the French.

Such was the silly evidence in support of as silly a charge, which however not admitting on the sudden of any refutation but what arose from its own absurdity, made an impression on some minds unfavorable to me, & in so doing answerd the purpose for wch. it was intended.

Every Engine is at work here to obtain permanent taxes and the appointment of Collectors by Congress, in the States. The terror of a mutinying Army is playd off with considerable efficacy. It is certainly a great misfortune to any Country, that their Army should be discontented, & the more so when they have reason on their side, as in the present case. But to remedy temporary evils by permanent Ones is neither wise nor safe. I am persuaded that real inability to pay taxes, is the reason that the States do not furnish their quota, & that peace would soon enable us to pay the army all their Arrears, and satisfy all our Creditors. A majority of the Army at least, will remember that they are Citizens, & not lend themselves to the tory designs, as I verily believe this is, of subverting the Revolution.

Nothing could be a greater disappointment to me, than not seeing that most excellent Patriot Genl Whipple. My Brother Richard had given me so high an idea of his character, that I respect him as one of the most worthy of our Countrymen.

I am much afraid, that peace is not so near as our interest would make us wish. France & England seem desirous of trying their strength in another campaign. We must not therefore be deluded with pacific appearances here but remember how easy it is for the Enemy to renew offensive operations, should their success in other parts permit.

The treaty of Amity & Commerce with the States general of the United Netherlands is ratifyd. Our friend Mr. John Adams had great merit in the whole of that business, & the merit is *all his own*.

My respects to Mrs Adams & Mrs Temple, and my best remembrance to Genl. Warren, Mr. Boudwain, Mr. Lowell &c &c &c.

Adieu,

A. Lee

RC (NN: Adams Papers).

¹ Lee had just resumed his seat in Congress on Monday January 27. *JCC*, 24:96. Upon his arrival the previous day, he also wrote letters to his brother William and to John Adams, of which only the following brief extracts have been found.

"Mr Livingston has resigned," he wrote to William on January 26. "His chancellorship could not be held with his secretaryship, and he preferred the former. It is probable Genl. Schuyler will succeed him. I shall resign my place in Congress in a few months, being convinced that I can do little service, and finding that it exposes me to perpetual enmities, of which I had much and bitter experience in the last session of Assembly, when every art was used to procure my recall; and altho' it was without success, yet to be thus exposed without doing the public any material service determines me to retire altogether."

And to John Adams he wrote: "The servility, envy, & avarice of the old man you mention (Franklin) have been the more pernicious to our cause, as he is most unaccountably rooted in the opinion of many, and nothing but success will in their eyes justify a conduct founded upon opposite principles." Sparks Transcripts, MH-H; Lee Family Papers microfilm, reel 7.

² Adams' letter is in Adams, *Writings* (Cushing), 4:275-76.

³ William Burgess ("very lately arrived from England, by way of Holland"), Adams explained, had recently petitioned the Massachusetts General Court to be naturalized. "The senate declined sustaining his petition and gave him leave to withdraw it. A few days after, an authenticated resolution of congress came to hand, recommending it to the states not to admit any British subject *whatever*. Yet this man has had interest enough to prevail on the assembly to permit him to go to congress, to have it decided there whether he comes within the meaning of their resolution, because his arrival here was prior to the reception of the resolution by this government." *Ibid.*, p. 275. No evidence has been found, however, to indicate that Burgess submitted his case to Congress.

⁴ Lee seems to have exaggerated his role in this matter. The October 4 resolution at issue is embodied in a report written by James Duane (as chairman of a committee of which Lee was not a member), and the provision opposing the admission of British subjects into the United States was added as an amendment by James Madison. See *JCC*, 23:637-39; and Madison, *Papers* (Hutchinson), 5:180-82.

James Madison's Notes of Debates

Wednesday Jany. 29th. 1783.

Mr. Fitzimmons reminded Congress of the numerous inaccuracies & errors in the American column of the Treaty with Holland¹ and proposed that a revision of it as ratified should take place in order that some steps might be taken for redressing this evil. He added that an accurate comparison of it with the Treaty with France ought also to be made for the purpose of seeing whether it consisted in all its parts with the latter.² He desired the Committee who had prepared the ratification to give some explanation on this subject to Congress.

Mr. [Madison] as first on that committee informed Congress, that the inaccuracies & errors consisting of misspelling, foreign idioms, & foreign words, obscurity of the sense &c were attended to by the Committee & verbally noted to Congress when their report was under consideration; that the Committee did not report them in writing, as the task was disagreeable, and the faults were not conceived to be of sufficient weight to affect the ratification. He thought it wd. be improper to reconsider the act as had been suggested, for the purpose of suspending it on that or any other acct. but had no objection if Congress were disposed to instruct Mr. A.³ to substitute with the consent of the other party a more correct counterpart in the American language. The subject was dropped, no body seeming inclined to urge it.

On the motion of Mr. Rutledge & for the purpose of extending the discussion to particular objects of General Revenue Congress resolved itself into a Committee of whole to consider of the most effectual means of restoring public credit; and the proposition relative to gen-

eral revenue was referred to the Committee: Mr. Carroll was elected into the chair, & the proposition taken up.⁴

Mr. Bland proposed to alter the words of the proposition so as to make it read *establisht. of funds "on taxes or duties, to operate &c."* This was agreed to as a more correct phraseology. Mr. Hamilton objected to it at first, supposing thro' mistake that it might exclude the back lands which was a fund in contemplation of some gentlemen.

Mr. [Madison] having adverted to the jealousy of Mr. Rutledge of a latent scheme to fix a tax on land according to its quantity, moved that between the words "generally" & "to operate" might be inserted the words "and in just proportion."

Mr. Wilson said he had no objection to this amendmt. but that it might be referred to the taxes individually, & unnecessarily fetter Congress; since if the taxes collectively sd. operate in just proportion it wd. be sufficient. He instanced a land tax & an impost on trade, the former of which might press hardest on the Southn. & the latter on the Eastn. but both together might distribute the burden pretty uniformly. From this consideration he moved that the words "on the whole" might be prefixed to the words "in just proportion." This amendt. to the amendment of Mr. [Madison] was 2ded. by Mr. Boudinot & agreed to without opposition as was afterwards the whole amendmt.

Mr. Wilson in order to leave the scheme open for the back lands as a fund for paying the public debts, moved that the proposition might be further altered so as to read "*indispensably necessary towards doing complete justice &c.*" The motion was 2ded. by Mr. Boudinot & passed without opposition.

The main proposition then passed without opposition; in the words following.⁵

Mr. Bland proposed as the only expedient that cd. produce immediate relief to the public Creditors, that, Congress sd. by a fixed resolution appropriate to payment of the interest, *all* the monies which should arise from the requisitions on the States. He thought this would not only give immediate relief to the Creditors, but by throwing into circulation the stagnant securities, enliven the whole business of taxation. This proposition was not 2ded.

Mr. Wilson proceeded to detail to Congress his ideas on the subject of continental revenue.⁶ He stated the internal debt liquidated & unliquidated at 21 Million of Dollrs. the foreign debt at 8 Million, the actual deficiency of 1782 at 4 Million, the probable deficiency of 83 at 4 Million. Making in the whole 37 Million; which in round numbers & probably without exceeding the reallity may be called 40 Million. The interest of this debt at 6 per Ct. is 2,400,000 Drs, to which it will be prudent to add 600,000, which if the war continues will be needed, and in case of peace may be applied to a navy. An annual revenue of 3 Million of Drs. then is the sum to be aimed at, and which ought to be under the management of Congs. One of the objects already men-

tioned from wch. this revenue was to be sought, was a poll tax. This he thought a very proper one, but unfortunately the Constitution of Maryland which forbids this tax is an insuperable obstacle. Salt he thought a fit article to be taxed, as it is consumed in a small degree by all and in great quantities by none. It had been found so convenient a subject of taxation, that among all nations which have a system of revenue, it is made a material branch. In England a considerable sum is raised from it. In France it is swelled to the sum of 54,000,000 of livres. He thought it would be improper to levy this tax during the war whilst the price wd. continue so high, but the necessary fall of price at the conclusion of it wd. render the tax less sensible to the people. The suspension of this particular tax during the war would not be inconvenient as it might be set apart for the debt due to France on which the interest would not be called for during the war. He computed the quantity of salt imported into the U. S. annually at 3 Million of Bushels, & proposed a duty of $\frac{1}{3}$ of a Dollar per bushel which wd. yield 1,000,000 of Drs. This duty he observed wd. press hardest on the Eastern States on acct. of the extraordinary consumption in the fisheries.

The next tax which he suggested was on land. 1 Dollar on every 100 Acres according to the computation of the Superintendent of finance would produce 500,000 Dollrs. This computation he was persuaded might be doubled; since their could not be less than 100 Million of Acres comprehended within the titles of individuals which at 1 Dr. per 100 Acres would yields 1,000,000, of Dollars. This tax cd. not be deemed too high & would bear heaviest not on the industrious farmer, but on the great land-holder. As the tax on Salt would fall with most weight on the Eastern States, the equilibrium would be restored by this which would be most felt by the Middle and Southern States.

The impost on trade was another source of revenue which, altho' it might be proper to vary it somewhat to remove particular objections, ought to be again & again urged upon the States by Congress. The office of Finance has rated this at 500,000 Dollars. He thought a peace would double it in which case the sum of 3,000,000 Drs. would be made up. If these computations however should be found to be too high there will still be other objects which would bear taxation. An excise he said had been mentioned. In general this species of taxation was tyrannical & justly obnoxious, but in certain forms had been found consistent with the policy of the freest States. In Massachussets a State remarkably jealous of its liberty, an excise was not only admitted before but continued since the revolution. The same was the case with Penna. also remarkable for its freedom. An excise if so modified as not to offend the spirit of liberty may be considered as an object of easy & equal revenue. Wine & imported spirits had borne a heavy excise in other Countries, and might be adopted in ours. Coffee is another object which might be included. The amount of these three objects is uncertain but materials for a satisfactory computation might

be procured. These hints & remarks he acknowledged to be extremely imperfect & that he had been led to make them solely by a desire to contribute his mite towards such a system as would place the finances of the U. S. on an honorable & prosperous footing.

Mr. Ghorum observed that the proposition of Mr. Bland, however salutary its tendency might be in the respects suggested, could never be admitted because it would leave our army to starve, and all our affairs to stagnate during its immediate operation. He objected to a duty on salt as not only bearing too heavy on the Eastn. States, but as giving a dangerous advantage to Rivals in the fisheries. Salt he sd exported from England for the fisheries is exempted particularly from duties. He thought it would be best to confine our attention for the present to the impost on trade which had been carryed so far towards an accomplishment, and to remove the objections which had retarded it, by limiting the term of its continuance, leaving to the States the nomination of the collectors, and by making the appropriation of it more specific.

Mr. Rutledge was also for confining our attention to the Impost, & to get that before any further attempts were made. In order to succeed in getting it however he thought it ought to be asked in a new form. Few of the States had complied with the recommendation of Congs. literally. Georgia had not yet complied. Rhode Island had absolutely refused to comply at all. Virga. which at first complied but partially has since rescinded even that partial compliance. After enumerating the several objections urged by the States agst. the scheme, he proposed in order to remove them the following resolution, viz.

"that it be earnestly recommended to the several States to impose & levy a duty of 5 PerCt. ad valorem at the time & place of importation, on all goods, wares & merchandizes of foreign growth & manufacture, wh. may be imported into the said States respectively, except goods of the U. S. or any of them, and a like duty on all prizes & prize goods condemned in the court of admiralty of said States; that the money arising from such duties be paid into the continental Treasury, to be appropriated & applied to the payment of the interest and to sink the principal of the money which the U. S. have borrowed in Europe & of what they may borrow, for discharging the arrears due to the army & for the future support of the war & to no other use or purpose whatsoever: that the said duties be continued for 25 years, unless the debts abovementd. be discharged in the meantime, in which case they shall cease & determine, that the money arising from the said duties & paid by any State, be passed to the credit of such State on account of its quota of the debt of the U. States." The motion was seconded by Mr. Lee.

Mr. Woolcot opposed the motion as unjust towards those States which having few or no ports receive their merchandize through the ports of others; repeating the observation that it is the consumer & not the inimporter who pays the duty. He again animadverted on the

conduct of Virga. in first giving & afterwards withdrawing her assent to the Impost recommended by Congress.

Mr. Elseworth thought it wrong to couple any other objects with the Impost: that the States would give this if any thing; and that if a land tax or an excise were combined with it the whole scheme would fail. He thought however that some modification of the plan recommended by Congs. would be necessary. He supposed when the benefits of this continl. revenue should be experienced it would incline the States to concur in making additions to it. He abetted the opposition of Mr. Wolcot to the motion of Mr. Rutledge which proposed that each State should be credited for the duties collected within its ports; dwelt on the injustice of it, said that Connecticut before the revolution did not inport 1/50 perhaps not 1/100 part of the foreign merchandize consumed within it; and pronounced that such a plan wd. never be agreed to. He concurred in the expediency of new-modelling the scheme of the impost by defining the period of its continuance; by leaving to the States the nomination, & to Congress the appointment of Collectors or vice versa; and by a more determinate appropriation of the revenue. The first object to which it ought to be applied was he thought the foreign debt. This object claimed a preference as well from the hope of facilitating further aids from that quarter, as from the disputes into wch. a failure may embroil the U.S. The prejudices agst. making a provision for foreign debts which sd. not include the domestic ones was he thought unjust & might be satisfied by immediately requiring a tax in discharge of which loan-office certificates should be receivable. State funds for the domestic debt would be proper for subsequent consideration. He added as a further objection against crediting the States for the duties on trade respectively collected by them, that a mutual jealousy of injuring their trade by first imposing such a duty would prevent any from making a beginning.

Mr. Williamson said that Mr. Rutledge's motion at the same time that it removed some objections, introduced such as would be much more fatal to the measure. He was sensible of the necessity of some alterations, particularly in its duration & the appointment of the Collectors. But the crediting the States severally for the amount of their collections was so palpably unjust & injurious that he thought candor required that it should not be persisted. He was of opinion that the interest of the States, which trade for others, also required it, since such an abuse of the advantage possessed by them would compel the States for which they trade, to overcome the obstacles of nature & provide supplies for themselves. N. Carolina he said would probably be supplied pretty much thro' Virga. if the latter forebore to levy a tax on the former, but in case she did not forbear. the ports of N. C. which are nearly as deep as those of Holland, might & probably wd. be substituted. The profits drawn by the more commercial States from the business they carry on for the others, were of themselves sufficient & ought to satisfy them.

Mr. Ramsay differed entirely from his colleague (Mr Rutledge). He thought that as the consumer pays the tax, the crediting the States collecting the impost, unjust. N. Carolina, Maryland, N. Jersey & Connecticut would suffer by such a regulation and would never agree to it.

Mr. Bland was equally agst. the regulation, he thought it replete with injustice & repugnant to every idea of finance. He observed that this point had been fully canvassed at the time when the impost was originally recommended by Congress, & finally exploded. He was indeed he said opposed to the whole motion (of Mr. Rutledge) Nothing would be a secure pledge to Creditors that was not placed out of the Controul of the grantors. As long as it was in the power of the States to repeal their grants in this respect, suspicions would prevail, & wd. prevent loans. Money ought to be appropriated by the States as it is by the Parliament of G. B. He proposed that the revenue to be solicited from the States should be irrevocable by them without the consent of Congress, or of nine of the States. He disapproved of any determinate limitation to the continuance of the revenue, because the continuance of the debt could not be fixed and that was the only rule that could be proper or satisfactory. He said he should adhere to these ideas in the face of the act of Virga. repealing her assent to the impost; that it was trifling with Congs. to enable them to contract debts, & to withhold from them the means of fulfilling their contracts.

Mr. Lee said he seconded the motion of Mr. R. because he thought it most likely to succeed; that he was persuaded the States would not concur in the impost on trade without a limitation of time affixed to it. With such a limitation and the right of collection, he thought Virna., R. Island & the other States probably wd. concur. The objection of his Colleague (Mr. Bland) he conceived to be unfounded; No act of the States could be irrevocable, because if so called it might notwithstanding be repealed. But He thought there wd. be no danger of a repeal, observing that the national faith was all the security that was given in other countries, or that could be given. He was sensible that some thing was of necessity to be done in the present alarming crisis; and was willing to strike out the clause crediting the States for their respective collections of the revenue on trade, as it was supposed that it wd. impede the measure.

Mr. Hamilton disliked every plan that made but partial provision for the public debts; as an inconsistent & dishonorable departure from the declaration made by Congs. on that subject. He said the domestic Creditors would take the alarm at any distinctions unfavorable to their claims; that they would withhold their influence from any such measures recommended by Congress; and that it must be principally from their influence on their respective legislatures that success could be expected to any applications from Congs. for a general revenue.

² At this point Madison inserted an asterisk to which he keyed the following note: "Mr. Hamilton told [Mr. Madison] privately that Mr. de Marbois speaking of the treaty asked him emphatically whether there were not some articles which required animadversion. Mr. H. did not at the time know what was alluded to. He now supposed the allusion to be to some article supposed to be inconsistent with the Treaty with France; particularly the article referring to the select articles of the latter instead of the whole; which art. Mr. Adams informed Congress had been satisfactory to the D. de Vauguyon." The "select articles of the latter," were apparently nos. 9, 10, 17, and 22 of the Franco-American treaty of commerce, as specified in article 22 of "the Treaty with Holland," for which see *JCC*, 24:75–76; and Madison's report on the latter, Madison, *Papers* (Hutchinson), 6:57, 60–61n.10. At issue were American and French rights to the north Atlantic fisheries, the subject of articles 9 and 10, and one with which Marbois was recently identified negatively in the delegates' eyes by virtue of the interception and publication of his letter to Vergennes disparaging American claims.

For evidence of Madison's interest in the subject of French claims to the fisheries—whether actually consisting of a "right" or only a "liberty" deriving from British concessions embodied in the 1713 Treaty of Utrecht and confirmed in the 1763 Treaty of Paris—see Madison, *Papers* (Hutchinson), 6:165–66n.3.

Finally, the duc de la Vauguyon was the French ambassador to the Netherlands.

³ John Adams.

⁴ See *JCC*, 24:97–98. This was apparently the first time Congress had resolved itself into a committee of the whole since May 4, 1781, when it codified its rules and created the device of "a grand committee consisting of one member present from each State" to replace the former. It was proposed on that occasion that "the United States in Congress assembled shall in no case whatever be resolved into a committee of the whole," but this provision was deleted from the rules finally "agreed to." *JCC*, 20:179. The editors of the Madison Papers noted the significance of this rules change, but erred in supposing that the change occurred with the ratification of the Articles of Confederation, as Congress sat in committee of the whole on at least seven occasions between March 1 and May 4, 1781. See *JCC*, 19:245, 250, 252, 254, 258, 364, 367; and Madison, *Papers* (Hutchinson), 6:191n.20.

⁵ Madison later added the "proposition" as follows: "That it is the opinion of Congress that the establishment of permanent & adequate funds on taxes or duties which shall operate generally & on the whole in just proportion throughout the U.S. are indispensably necessary towards doing compleat justice to the public Creditors, for restoring public Credit, & for providing for the future exigences of the War."

⁶ James Wilson apparently drew heavily for this speech from Robert Morris' estimates for 1783, which were submitted in the superintendent's July 29, 1782, letter to Congress, for which see Morris, *Papers* (Ferguson), 6:63–68, 74–75.

Oliver Wolcott to Oliver Wolcott, Jr.

Sir Philadelpa. 29 Janry. 1783

I recd. by the Monday Post your's of the 14t instant. I ever was of Opinion that the Copy Rights of every Author ought to be secured to him under certain Limitations.¹ Your Observations respecting both the Justice and Policy of giving legal Support to this Right I think are Very good. I will Attend to the Matter you mention, and shall be happy if it shall be in my Power to Oblidge him, whom I am glad to know you consider as your Friend. The more you have of such who are estimated as Men of bright Genius, Virtuuous, learned and good, the better my Opinion will be of you. Mr Trumball's McFingall is read

here with much Applause. Numbers of them have been sent by Gentlemen into the Southern States—but they have not been reprinted in this City.

It is said and may perhaps be true that Secretary Townsend has informed the Bankers that the Negotiation for Peace continues, and that upon the Meeting of Parliament at the Time they Stand poroused to which it is said was to about the tenth of Decr it will be Ascertained wheither Peace will take Place or the War be continued. If this is true not much can be inferred from it. We may dayly expect more correct and substantial Information. The mercantile People here whose Apprehensions are much excited as many of them will be deeply Affected by a Peace, and in general calculating their Affairs for such an Event. At present I believe that Goods from Europe lately brot in will not sell so as to clear the Expençe of Importation and Insurance.

The Committee from the Army are still here. The Mode to be adopted in future to raise mony internally, at present Occupys the Attention of the publicks Councils. Yours, Oliver Wolcott

P.S. I have by this Post wrote to Mr Lawrance² to Accept a Draft of Two hundred pounds upon my Account which has been so long due—this I hope he will comply with.

RC (CtHi: Oliver Wolcott, Jr., Papers).

¹ Wolcott's observation on "Copy Rights" may have been generated by an essay in the January 7 issue of the *Connecticut Courant* calling for state protection of copyright. For his continuing interest in copyright law, see his letters to Oliver of February 12 and 19; and for Congress' response to Connecticut's lead in legislating copyright protection, see Elias Boudinot to the States, May 6, 1783.

² Wolcott's letter to Connecticut treasurer John Lawrence has not been found; but one of the same date to his wife Laura, containing the same information he wrote to Oliver, is in the Oliver Wolcott, Sr., Papers, CtHi.

James Madison's Notes of Debates

Thursday 30 Jany. [1783]

The answer to the Memorials from the Legislature of Penna. was agreed to as it stands on the Journal;¹ N. Jersey alone dissenting.

In the course of its discussion several expressions were struck out which seemed to reprehend the States for the deficiency of their contributions. In favor of these expressions it was urged that they were true and ought to be held forth as the cause of the public difficulties in justification of Congress. On the other side it was urged that Congress had in many respects been faulty as well as the States, particularly in letting their finances become so disordered before they began to apply any remedy; and that if this were not the case, it would be more prudent to address to the States a picture of the public distresses & danger, than a Satire on their faults; since the latter would

only irritate them; whereas the former wd. tend to lead them into the measures supposed by Congress to be essential to the public interest.

The propriety of mentioning to the Legislature of Penna. the exped. into which Congress had been driven of drawing bills on Spain & Holland without previous warrant; the disappt. attending it, and the deductions ultimately ensuing from the aids destined to the U. S. by the Ct. of France, was also a subject of discussion. On one side it was represented as a fact which being dishonorable to Congress ought not to be proclaimed by them & that in the present case it cd. answer no purpose. On the other side it was contended that it was already known to all the world, that as a glaring proof of the public embarrassmts. it would impress the Legislature with the danger of making those separate appropriations which wd. increase the embarrassments; and particularly would explain in some degree the cause of the discontinuance of the French interest due on the loan office certificates.

Mr. Rutledge & some other members having expressed less solicitude about satisfying or soothing the Creditors within Pa. through the legislature than others thought ought be felt by every one, Mr. Wilson advertng to it with some war[m]th, declared that if such indifference should prevail, he was little anxious what became of the answer to the Memorials. Penna. he was persuaded would take her own measures without regard to those of Congress, and that she ought to do so. She was willing he said to sink or swim according to the common fate, but that she would not suffer herself with a millstone of \$26,000,000 of the continl. debt about her neck to go to the bottom alone.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:170-72.

¹ See JCC, 24:99-105; Madison's Notes, January 24, note 4; and Elias Boudinot to Frederick A. Muhlenberg, February 3, 1783.

² Madison inserted an asterisk at this point to which he keyed the following observation: "he supposed that sum due by the U.S. to Citizens of Penna. for loans." Robert Morris estimated the Continental loan office debt of Pennsylvania as of January 1, 1783, at 3,948,904 specie dollars. Morris, *Papers* (Ferguson), 7:546.

James Madison's Notes of Debates

Friday Jany. 31. [1783]

The instruction to the Va. delegates from that State relative to tobacco exported to N. Y. under passport from Secy. of Congress, as referred to a Committee.¹ Mr Fitzsimmons moved that the information recd. from sd. State of its inability to contribute more than ² towards the requisitions of Congress sd. be also committed. Mr. Bland saw no reason for such commitment. Mr. Ghorum was in favr. of it. He thought such a resolution from Va. was of the most serious import; especially if compared with her withdrawal of her assent to the Impost. He said with much earnestness, that if one State should be

connived at in such defaults others would think themselves entitled to a like indulgence. Massts. he was sure had a better title to it than Virga. He said the former had expended immense sums in recruiting her line, which composed almost the whole Northn. Army; that 1,200,000 £ (dollar at 6/.) had been laid out: & that without this sum, the army would have been disbanded.

Mr. Fitzimmons abetting the animadversion on Virga. took notice that of Dollars³ reqd. by Congress from her for the year 1782, she had paid the paltry sum only of 35,000 Drs. and was notwithstanding endeavoring to play off from further contributions. The commitment took place without opposition.

The subcommittee consisting of Mr. [Madison], Carroll & Mr. Wilson had this morning a conference with the Superintendt. of Finance on the best mode of estimating the value of land through the U. S.⁴ The Superintendent was no less puzzled on the subject than the Committee had been. He thought some essay ought to be made for executing the confederation if it sd. be practicable, & if not to let the impracticability appear to the States. He concurred with the subcommittee also in opinion that it would be improper to refer the valuation to the States, as mutual suspicions of partiality, if not a real partiality, would render the result a source of discontent; and that even if Congs. shd. expressly reserve to themselves a right of revising & rejecting it, such a right could not be exercised without giving extreme offence to the suspected party. To guard agst. these difficulties it was finally agreed, & the sub-committee accordingly reported to the G. Committee,

“That it is expedient to require of the several States a return of all surveyed & granted land within each of them; and that in such returns the land be distinguished into occupied & unoccupied.

“That it also was expedient to appoint one Commissr. for each State who should be empowered to proceed without loss of time into the several States; & to estimate the value of the lands therein according to the returns abovementioned, & to such instructions as should from time to time be given him for that purpose.”

This report was hurried into the G. Committee for two reasons: 1st. it was found that Mr. Rutledge, Mr. Bland & several others relied so much on a valuation of land, and connected it so essentially with measures for restoring public credit that an extreme backwardness on their part affected all these measures, whilst the valuation of land was left out. A 2d. reason was that the subcommittee were afraid that suspicions might arise of intentional delay, in order to confine the attention of Congs. to general funds as affording the only prospect of relief.

The Grand Committee for like reasons were equally impatient to make a report to Congress; and accordingly after a short consultation the question was taken whether the above report of the Subcome. or the report (see) referred to them sd. be preferred. In favor of the 1st were Mr. Wilson, Mr. Carroll, Mr. Madison, Mr. Elmore, Mr.

Hamilton. In favor of the 2d were Mr. Arnold, Mr. Dyer, Mr. Hawkins, Mr. Ghorum, Mr. Rutledge & Mr. Gilman: So the latter was immediately handed in to Congress, & referred to the Committee of the whole into which they immediately resolved themselves.⁵

A motion was made by Mr. Bland 2ded. by Mr. M[adison] that this report sh. be taken up in preference to the subject of general funds. Mr. Wilson opposed it as irregular & inconvenient to break in an unfinished subject; and supposed that as some further experiment must be intended than merely a discussion of the subject in Congress, before the subject of Genl. funds would be seriously resumed, he thought it unadvisable to interrupt the latter.

Mr. [Madison] answered that the object was not to retard the latter business but to remove an obstacle to it, that as the two subjects were in some degree connected as means of restoring public credit, & inseparably connected in the minds of many members, it was but reasonable to admit one as well as the other to a share of attention: that if a valuation of land sh. be found on mature deliberation to be as efficacious a remedy as was by some supposed, it wd. be proper at least to combine it with the other expedient, or perhaps to substitute it altogether: if the contrary should become apparent, its patrons wd. join the more cordially in the object of a general revenue. Mr. Hamilton concurred in these ideas & wished the valuation of land to be taken up in order that its impracticabil[ity] & futility might become manifest. The motion passed in the affirmative, & the report was taken up.

The phraseology made more correct in several instances.

A motion was made by Mr. Boudinot 2ded. by Mr. Elsworth to strike out the clause requiring a return of the "*names of the owners*," as well as the quantity of land. Mr. Elsworth also contended for a less specific return of the parcels of land. The objection agst. the clause were that it would be extremely troublesome & equally useless. Mr. Bland thought these specific returns wd. be a check on frauds & the suspicion of them. Mr. Williamson was of the same opinion, as were also Mr. Lee, Mr. Ghorum, & Mr. Ramsay.⁶ The motion was withdrawn by Mr. Boudinot.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:172-76.

¹ For these "instructions," see Virginia Delegates to Benjamin Harrison, December 17, 1782, note 4.

² That is, £ 50,000 Virginia currency. Madison, *Papers* (Hutchinson), 5:457.

³ That is, \$1,307,594. *JCC*, 21:1090.

⁴ See Morris, *Papers* (Ferguson), 7:385, 513-25.

⁵ See *JCC*, 24:105-6.

⁶ At this point Madison inserted an asterisk, to which he keyed the following observation: "Mr. Dyer ludicrously proposed as a proviso to the scheme of referring the valuation to the States, 'that each of the States should cheat equally'."

Oliver Wolcott to Laura Wolcott

My Dear

Philadelpa. 1 Febry. 1783

I have not heard from you or the Family since the 4th Ult. I hope that you and they enjoy Health and are otherwise in Comfortable Circumstances. It will be highly agreeable to me to hear from you as often as you shall have opportunity.

Col Dyer will continue here thro the winter so that Mr Ellsworth thinks that he may have an Opportunity to return home for about Six Weeks to Attend to his own Business. The Urgency of his affairs forbid me to Object agt his Return, tho his continuence here would have been very agreeable to me as I have been Very happy in his Company, and he is worthy of esteem. He will probably deliver you this Letter as I have desired him if it shall not be inconvenient to go by Litchfield and take a nights Lodging at my House.

I wrote to you by the last Post,¹ and indeed I believe that I have wrote to you or one of the Family every Week since that I have been here. I do not know how the Servants conduct but I hope that they do well. I regret the Cares which I know that you must suffer—but I hope that a kind Providence will support you. Take Care of your Health, and put your Trust in your Maker, he regardeth those who put their Confidence in him.

We have no late News, I think that the next arrivals from Europe will bring us such Intelligence as that We shall be able to form a pretty certain Opinion wheither We shall have Peace or the War shall continue.

Reuben has had the small Pox Very lightly and is well and is faithful.

Frederick I suppose is at Home. In my last I informed you that I had wrote to Mr Lawrance to accept orders from me on account of Arreirages to the amount of Two hundred pounds and shall expect his answer.

My Love to my Children. May the best of Heavens Blessing be your Portion. I continue in Health. Yours affectionately,

Oliver Wolcott

P.S. You will not beleive that Mr Ellsworth or I had a Sight of the Wyoming Petition till We saw it in the Papers.² The earnest Supplications for Mercy as it implys Guilt I believe was unnecessary in the Petitioners. Their Council Ought not to have advised them therefore to an Act of Meanness. This I mention to you least you might think I had approved of this Peace.³

RC (CtHi: Oliver Wolcott, Sr., Papers).

¹ See Wolcott to Oliver Wolcott, Jr., January 29, 1783, note 2.

² See Wolcott to Mathew Griswold, January 22, 1783, note 2.

³ Wolcott also wrote a letter to his son Oliver this day reporting almost all the same news. Emmet Collection, CSmH.

Elias Boudinot to Frederick A. Muhlenberg

Sir,

Philadelphia, 3d February 1783.

I have the honor to enclose a copy of an Act of Congress of the 30th ult. in answer to the Memorials of the Legislature of the 28th of August and 12th of November last.¹

The nature and great importance of the subjects have been the principal causes of the long delay of this Answer; but I hope it will yet serve the purposes of the Legislature and meet their expectations.²

A misinformation of your not sitting on Saturday was the, cause of its not being sent on that day.

I have the honor to be &c,

E.B.

LB (DNA: PCC, item 16). Addressed: "The Honorable Frederick A. Muhlenberg, Esq. Speaker of the Assembly of Pennsylvania."

¹ See *JCC*, 24:99–105. For the context of this congressional action, see James Madison's *Notes of Debates*, November 20, December 4, 1782, and January 30, 1783; and Morris, *Papers* (Ferguson), 7:143–48.

² Although this congressional response to Pennsylvania's plea for funding the Continental debt failed to meet the demands of Pennsylvania creditors seeking the payment of interest on Continental certificates, it did open the way for the Pennsylvania Assembly to adopt its own compromise program for the temporary relief of the state's public creditors and enabled Congress to shift its attention to paying the arrears due the Continental Army. For a discussion of the Pennsylvania Assembly's March 21 funding act (providing for a one-year assumption of interest payments to its own citizens), which gave Congress time to adopt a funding plan of its own on April 18 (although it failed to receive the necessary unanimous ratification of the states), see Morris, *Papers* (Ferguson), 7:146–47.

Elias Boudinot to William Livingston

D. Sir,

Philadelphia Feby. 4th. 1783.

I had the Honor of recieving your Excellency's Letter per Post, and agreeably to your request, enclose a Copy of the Act of Congress referred to.¹

I laid your Excellency's Letter before Congress, who thought nothing farther necessary, on this Occasion.

We have nothing new, worthy of Communication, but am in daily expectation of important advices from Europe.

I duly forwarded your Excellency's Letter to Mr. Jefferson,² by Express I was sending to that Gentleman. I have the Honor to be with great Respect, Your Excellency's Most Obedt Hble Servt.

Elias Boudinot

RC (MHi: Livingston Papers).

¹ Boudinot may have enclosed Congress' March 27, 1781, ordinance for curbing "all intercourse" with the enemy, and the admission of aliens and their property, for which see *JCC*, 19:314–16; and these *Letters*, 17:119–20n.2. In his February 2 letter to Congress, which is in PCC, item 68, fols. 603–6, Livingston reported that he had recently "detained" two gentle-

men from Antigua, Thomas Burton and Charles Crawford, under pretext of "a resolve of Congress against the admission of British Subjects . . . of which I cannot precisely recollect the contents." "I therefore wish the Congress," he went on to explain, "would either transmit me a Copy of that resolution, or signify to me their opinion on the subject."

² Livingston's January 25 letter to Thomas Jefferson is in Livingston, *Papers* (Prince), 4:508–9.

James Madison's Notes of Debates

Teusday Feby. 4 [1783].

An indecent & tart remonstrance was rcd. from Vermont agst. the interposition of Congs. in favor of the persons who had been banished & whose effects had been confiscated.¹ A motion was made by Mr. Hamilton 2ded. by Mr. Dyer to commit it. Mr. Wolcot who had always patronized the case of Vermont wished to know the views of a commitment. Mr. H. said his view was to fulfill the resolution of Congress wch. bound them to enforce the measure. Mr. Dyer sd. his was that so dishonorable a menace might be as quickly as possible renounced. He said Genl. Washington was in favor of Vermont,² that the principal people of N. England were all supporters of them, and that Congress ought to rectify the error into which they had been led, without longer exposing themselves to reproach on this subject. It was committed without dissent.³

Mr. Wilson informed Congress that the Legislature of Pena. having found the Ordinance of Congs. erecting a Court for piracies so obscure in some points that they were at a loss to adapt their laws to it, had appointed a Come. to confer with a Come. of Congress. He accordingly moved in behalf of the Pa. delegation that a Come. might be appd. for that purpose. After some objections by Mr. Madison agst. the impropriety of holding a communication with Pa. through Committees when the purpose might be as well answered by a Memorial, or an instruction to its Delegates, a Come. was appd. consisting of Mr. Rutledge, Mr. [Madison] & Mr. Wilson.⁴

The Report proposing a commutation for the half pay due to the army, was taken up.⁵ On a motion to allow 5½ years whole pay in gross to be funded & bear interest, this being the rate taken from Price's calculation of annuities.⁶ N. H. was no, R. I. no, Cont. no, N. J. no, Mr. Lee of Va. no⁷—other States ay, So the question was lost. 5 years was then proposed, on which N. H. was no, R. I. no, Ct. no, N. J. no, so there were but 6 ays & the proposition was lost. Mr. Williamson proposed 5¼ & called for the yeas & nays. Messrs. Wolcot & Dyer observed that they were bound by instructions on this subject. Mr. Arnold said the case was the same with him. They also queried the validity of the act of Congs, which had stipulated half pay to the army, as it had passed before the Confederation, and by a vote of less than seven States. Mr. [Madison] sd. that he wished if the yeas & nays were called it might be

on the true calculation, and not on an arbitrary principle of compromise, as the latter standing singly on the journal wd. not express the true ideas of the yeas, and might even subject them to contrary interpretations. He sd. that the act was valid because it was decided according to the rule then in force, & that as the officers had served under the faith of it, justice fully corroborated it; & that He was astonished to hear these principles controverted. He was also astonished to hear objections agst. a commutation come from States in compliance with whose objections agst. the half pay itself, this expedit. had been substituted. Mr. Wilson expressed his surprise also that instructions sd. be given which militated agst. the most peremptory & lawful engagements of Congs. and said that if such a doctrine prevailed the authority of the Confederacy was at an end. Mr. Arnold said that he wished the report might not be decided on at this time, that the assembly of R. I. was in session, & he hoped to receive their further advice. Mr. Bland enforced the ideas of Mr. [Madison] & Mr. Wilson. Mr. Gilman thought it wd. be best to refer the subject of $\frac{1}{2}$ pay to the several States to be settled between them & their respective lines. By general consent the Report lay over.

Mr. Lee communicated to Congress a letter he had received from Mr. Samuel Adams dated Boston Decr. 22, 1782, introducing Mr. [] from Canada,⁸ as a person capable of giving intelligence relative to affairs in Canada & the practicability of uniting that province with the Confederated States. The letter was committed.

In Come. of the whole on the Report concerning a valuation of the lands of the U States.⁹

A motion was made by Mr. Rutledge wch. took the sense of Congs. on this question whether the rule of apportionment to be grounded on the proposed valuation sd. continue in force untill revoked by Congs. or a period be now fixed beyond which it sd. not continue in force. The importance of the distinction lay in the necessity of having seven votes in every act of Congs. The Eastern States were generally for the latter, supposing that the Southern States being impoverished by the recent havoc of the enemy would be underrated in the first valuation. The Southern States were for the same reason interested in favor of the former: on the question there were 6 ays only, which produced a dispute whether in a committee of the whole a majority wd. decide, or whether 7 votes were necessary.

In favor of the first rule it was contended by Mr. Ghorum & others, that in Committees of Congress, the rule always is that a majority decides.

In favr. of the latter it was contended that if the rule of other committees applies to a come. of the whole the vote sd. be individual per capita as well as by a majority, that in other deliberative assemblies, the rules of *voting* were not varied in Committees of the whole, and that it wd. be inconvenient in practice to report to Congs as the sense of the body a measure approved by 4 or 5 States, since there could be

no reason to hope that in the same body in a different form, 7 States wd. approve it, and consequently a waste of time would be result.¹⁰

Come. rose & Cons. Adjourned.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:186-91.

¹ Gov. Thomas Chittenden's 22-page January 9 letter to Congress, essentially protesting Congress' resolutions of December 5, 1782, as an infringement on Vermont's "internal Police and Government," is in PCC, item 40, 2:351-62. See also Madison's Notes, December 5; New York Delegates to George Clinton, December 9; and Elias Boudinot to Chittenden, December 11, 1782.

² By February 11 Washington had seen a published copy of Chittenden's "remonstrance" (Evans, *Am. Bibliography*, no. 18,278), and on that day sent Congress a copy of his January 1, 1782, letter to Chittenden to refute the claim that he had expressed support for Vermont in her dispute with her neighbors. See PCC, item 40, 2:365-72; and Washington, *Writings* (Fitzpatrick), 23:419-22, 26:119-20.

³ For this commitment to Daniel Carroll, John Taylor Gilman, Nathaniel Gorham, Arthur Lee, and Oliver Wolcott, and the committee's May 26 report, see *JCC*, 24:108n.2.

⁴ At issue was Congress' April 5, 1781, "Ordinance for establishing courts for the trial of piracies and felonies committed on the high seas," which declared that "the justices of the supreme or superior courts of judicature, and judge of the Court of Admiralty of the several and respective states, or any two or more of them, are hereby constituted and appointed judges for hearing and trying such offenders." *JCC*, 19:354-55. Rutledge's committee met at once with the committee appointed by the Pennsylvania Assembly to meet with Congress, and the following day submitted a report that was immediately recommitted "to report what is proper to be done." A subsequent report, submitted March 3d, contained the draft of an ordinance that was adopted March 4 amending the April 1781 ordinance. See *JCC*, 24:109-10, 160, 164.

⁵ That is, in committee of the whole.

⁶ That is, Richard Price, for whom see Madison's Notes, January 25, note 6.

⁷ At a later date, Madison struck out this passage and wrote "Virginia ay," apparently to indicate that he, Theodorick Bland, and Joseph Jones had voted for the motion. None of these votes, however, is in the journals, as Madison is recording here proceedings in the committee of the whole.

⁸ That is, Thomas Wiggins, "formerly of Montreal in Canada Mercht. an Indian Trader Settled at the Miami's Town near Detroit," whose undated petition for Continental employment is in PCC, item 41, 10:597-600. It is endorsed by Charles Thomson: "Read 4 Feby 1783. Referred to Mr Hamilton, Mr Peters, Mr Osgood." And by Alexander Hamilton: "The Committee on the above memorial submit the following resolution. Resolved that Thomas Wiggins be referred to the Q. Master General to be employed in his department in such station as he shall judge him qualified for," which Thomson then endorsed again: "March 18, 1783. Read. Entd." Wiggins asserted that early in the war he had dissuaded the Miami Indians from supporting the British, that he had twice been arrested by the British and served 27 months in prison, and had escaped imprisonment in Canada in August 1782.

Another letter from Wiggins, dated April 14, 1783, and praying for a grant to enable him to pay debts contracted since his escape, is in PCC, item 78, 24:359-62, but aside from Secretary Thomson's endorsement that it was "Read the same day," there is no record that Congress took action on it.

The copy of Samuel Adams' letter recommending Wiggins that is in Lee, *Life of Arthur Lee*, 2:231-32, is dated "Dec. 2d, 1782."

⁹ Which had been taken up in committee of the whole on January 31, for which see Madison's Notes for that date.

¹⁰ For an explanation of why this clarification of voting procedures in committee of the whole occurred at this time, the first time a vote in committee of the whole had arisen since the congressional rules had been revised and codified May 4, 1781, see Madison's Notes, January 29, note 4.

James Madison to Edmund Randolph

My dear Sir

Philada. Feby. 4th. 1783

By a letter recd. from Col. Monroe by Mr. Jones I find that my conjectures as to the cause of your silence by the last post were but too true. To the same cause probably I am to impute your silence by yesterday's mail.¹

The subject which my last left under the consideration of Congress has employed the chief part of the week. The generality of the members are convinced of the necessity of a continental revenue for an honorable discharge of the continental engagements, & for making future provision for the war. The extent of the plan however compared with the prepossessions of their constituents produces {despondence}² & {timidity}. It appears that the *annual* revenue which prudence calls for the objects abovementioned, amounts to the {enormous sum of three million of dollars}. You will ask perhaps from what sources this revenue could be drawn if the States were willing to establish it? Congress have done nothing as yet from which the answer they wd. dictate can be inferred. By individuals on the floor, the {impost, a land tax, poll tax, a tax on salt, a} &c. have been suggested, and some computation of their productiveness has made them competent to the object. The valuation of the land accordg to the Articles of Confederation is also before Congress & by some considered as a great step towards obtaining the necessary revenue. If you ask by what operation? I shall be the more incapable of answering it than the preceding question.

The repeal of the impost by Virga. is still {unriddled. Dr. Lee says} that {he was} the {*only* man who opposed} the {torrent} from which it is the more suspected that there has been {some manœuvre in the transaction}: Mr. {Jones quotes} the instance of {your last election to Congress}.

I find a great check to secret communications from the defects of your cypher. It in the first place is so scanty as to be extremely tedious, and in the next both the letters & figures are in so ambiguous a character that great caution is necessary to avoid errors. I wish we could somehow or other substitute a more convenient one.³

I recd. a letter yesterday from Mr. Jefferson at Baltimore. It is dated the 31st of Jany.⁴ and he calculated on sailing in about three days. The industry of the British Ships on the coast may notwithstanding render it necessary to wait longer.

There is not a syllable of news from any quarter. I take it for granted you will have seen a letter purporting to be written by Secy. Townsend, as it came hither from Baltimore. If it be genuine, it is altho' an equivocal, yet a favorable presage on the whole.⁵

Adieu,

J.M.

RC (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:193-94.

¹ Randolph's time was being taken up in responding to the creditors of his father, John Randolph, a loyalist exile living in England, who had recently become the heir of

the estate of his brother's widow, Elizabeth Harrison Randolph. See John J. Reardon, *Edmund Randolph: Biography* (New York: Macmillan Co., 1974), pp. 74–75.

² Words printed in braces in this text were written by Madison in cipher.

³ For the "ambiguous" nature of Randolph's cipher, see Madison to Randolph, October 8, 1782, note 16.

⁴ See Madison, *Papers* (Hutchinson), 6:179–80.

⁵ In a letter of November 22, 1782, Thomas Townshend, secretary of state for the home department, had informed the governors and directors of the Bank of England that the negotiations in Paris would conclude decisively "either for peace or war" by the December 5 meeting of Parliament. The preliminary articles of peace were signed on November 30. Copies of Townshend's letter, with some variations, appeared in *Freeman's Journal* and the *Pennsylvania Packet* of January 29 and 30, respectively, and the *Virginia Gazette* of February 1, 1783.

Rhode Island Delegates to William Greene

Sir, Philadelphia February 4th. 1783.

Since the departure of Mr. Howell Congress have been principally employed in attending to Complaints contained in a Memorial from the Officers & Army, and devising means for their relief and satisfaction; And in investigating means to restore Public Credit—by satisfying the demands of the Public Creditors—the importunities of both having become very urgent.

Upon the first the Committee have reported That such payment as the State of the Fœderal Treasury will admit shall be immediately made which is agreed to. They further reported That the Arrears of Pay &c, should be adjusted & settled and Public securities bearing the Interest of Six per Cent—Issued for the payment of the Balances due. That the Officers should be at Liberty to commute, for half pay by the amount of a Certain term of years whole pay—for which they shall recieve Certificates—on Interest payable Annually. These propositions have had several partial discussions but are yet undetermined. With respect to half pay our Instructions bind our votes, and as the proposed commutation is a change in form & in name, rather than in nature & substance we shall oppose it. A proposition is intended to be made for referring the Officers to their respective States for Compensation, in such manner as they shall think fit—and agree to with them—and whereby they will be at Liberty to consider the length of services, and particular Merits of each—but this we have no hopes will succeed at present.

This is an Affair which greatly embarrasses Congress. The Officers, consider their resolution as a solemn contract, and declare a faithful & painful performance on their part. The advocates for complying with their demands, urge in addition thereto That that resolution passed—at a most critical juncture when it was the only expedient, left to prevent the dissolution of the Army—That the National faith has been committed—past recall—That an attempt to abridge them in their expectations, would not only be dishonorable but, dangerous &c &c.

When any thing is offered against the principle and the sense of the Legislature & people of Rhode Island declared—We are extremely mortified to be told That the State is foreclosed from any opposition at this day. That their Consent has been once given fully & absolutely in favor of Half Pay—and that it is too late now to make objections—or declare what are the present Opinions of the State—on the subject—and the Journals of Congress produced to show that General Cornell, had committed the State—by giving their vote in favor of that Measure—&c &c &c.

We shall however continue on the ground our Instructions place us, unless different advice and direction should render a change necessary.¹

The Mode for obtaining a general estimate throughout the States—now an object of great attention—and considered as a preparatory step to the means of restoring public Credit—has been under Consideration of a Grand Committee who reported to Congress, afterwards the House formed itself into a Committee of the whole, and Several days have been spent thereon but it is not yet Completed—in our next We hope to be able to inclose the result.

These matters ended—it is expected the Propositions for an Impost will be again renewed. From the variety of Opinions which have lately been thrown out on that subject—it is presumed it will make its appearance in a form & upon principles materially different from the former recommendation on that subject.

The treaty of Amity, Commerce &c between the United States & United Netherlands, contained in the paper herewith inclosed has been ratified by Congress, and Copies duly Authenticated, sent off to be exchanged.²

No foreign Letters have of late Arrived.

We have the Honor to be with the highest respect, Your Excellency's Very humble servants,

John Collins

Jona Arnold

P.S. My last Letter of a Public import³ and which related particularly to the proceedings of Congress towards my late Colleague Mr. Howell—it is the wish of Congress should at present remain a secret with the Assembly. I have therefore to request it may be read in a Clear house as, is customary on such Occasions.

This day an address from Govr Chittenden was read, containing Animadversions on the Conduct of Congress towards the Territory of Vermont—which was Committeed.⁴

J Arnold

RC (R-Ar: Revolutionary War Letters). Written by Arnold and signed by Arnold and Collins.

¹ In a May 10, 1783, letter of instruction Governor Greene reaffirmed that the Rhode Island Assembly remained resolutely opposed to "half pay to the officers of the army," and directed the state's delegates to do all "in your power to obtain a repeal of the late resolution of Congress for allowing the amount of five years' whole pay to the said officers." Staples, *Rhode Island*, p. 440.

² Copies of the Dutch treaty were also sent to the states in Pres. Elias Boudinot's circular letter of February 8.

³ See Jonathan Arnold to Greene, January 8, 1783.

⁴ For Thomas Chittenden's lengthy January 9 letter to Congress, see James Madison's Notes of Debates, this date, note 1.

Virginia Delegates to Benjamin Harrison

Sir, Philadelphia Feby. 4th. 1783

Neither this post nor the preceding one brought us any letter from your Excellency.

The affair with Nathan is now under arbitration. There is a reference in the case sent us of a Certificate from Clarke & Todd that the Bills were negotiated at the current depreciation. But we find no such Certificate among the Papers transmitted to us, which is likely to turn the arbitration against the State.¹

Congress have under their Consideration the Papers we were directed to lay before them.²

We have not receivd any material Intelligence since our last.

We have the honor to be with the greatest respect, Yr. Excellencys most obedt. & most Huml. Servts.

Jos. Jones.

J. Madison Jr.

Theok. Bland Jr. A. Lee

RC (Vi: Continental Congress Papers). Written by Lee and signed by Lee, Bland, Jones, and Madison. Madison, *Papers* (Hutchinson), 6:192.

¹ Harrison forwarded this certificate from George Rogers Clark and John Todd on February 15, for which see *ibid.*, p. 241. See also Virginia Delegates to Harrison, January 28, note 2.

² *Ibid.*, note 1.

Samuel Holten to the Massachusetts General Court

Philada. Feby. 5th, 1783.

To the Honorable Senate & House of Representatives of the Commonwealth of Massachusetts.

Having taken a Seat in Congress, I thought it adviseable to resign my seat in Council, & have signified the same to his Excellency the Governor.¹

In October last I had the Honor of informing you, that the grant made me for past services, as a Delegate from this Commonwealth in Congress, did not amount to one half the sum, in real value, that the Genl. Court have thought proper to allow several of my Colleagues

that have returned since, and asked your attention to the same; and I have been informed that thro' the multiplicity of business that was then before the Court it was not determined upon, and fearing the same reasons may still operate against me, may I be permitted to renew my request, & urge the same reasons I then mention'd.²

I have the Honor to be, with the highest sentiments of respect, your most obedient servant.

FC (DLC: Holten Papers). In the hand of Samuel Holten.

¹ The following draft of Holten's brief letter of this date to Gov. John Hancock is in the Holten Papers, DLC.

"Having taken a seat in Congress, I thought it advisable to resign my seat in Council, & wish your Excellency to receive this as my resignation.

"We have no intelligence here that deserves your particular attention."

² Holten's effort to draw on the Massachusetts treasury for his expenses as a delegate also led him to write the following note to an unidentified "Colonel" this date. "Dear Colonel, I inclose you an order upon the Treasr. of the Commonwealth, drawn in your favor, please to apply to him for the money, & when you have received it, take out the sum I owe you & balance my account, and deliver the remainder to Mrs. Holten as soon as you can with convenience; I hope the Treasurer will not put off [f] payment, & I think he will not if he considers the public have all my services." Holten Papers, DLC.

James Madison's Notes of Debates

Wednesday Feby. 5. & Thursday Feby 6, 1783.

In order to decide the rule of voting in a Come. of the whole,¹ before Congss. should go into the said Come. Mr. Bland moved that the rule sd. be to vote by States, *the majority of States in Come. to decide*. Mr. Wilson moved to postpone Mr. B's motion in order to resolve that the rule be, to vote by States and according to the same rules which govern Congress; as this genel. question was connected with the particular question to which it was to be immediately applied, the motion for postponing was negatived, Chiefly by the Eastern States. A division of the question on Mr. Bland's motion was then called for & the first part was agreed to as on the Journal. The latter clause, to wit, a majority to decide, was negatived; so nothing as to the main point was determined. In this uncertainty Mr. Osgood proposed that Congs. sd. resolve itself into a Come. of the whole. Mr. Carrol as chairman observed that as the same difficulty would occur, he wished Congs. would previously direct him how to proceed. Mr. Hamilton propd that the latter clause of Mr. Bland's motion shd. be reconsidered and agreed to wrong as it was, rather than have no rule at all. In opposition to which it was sd. that there was no more reason why one & that not the minor side sd. wholly yield to the inflexibility of the other than vice, versa, and that if they sd. be willing to yield on the present occasion, it wd. be better to do it tacitly, than to saddle themselves with an

express & perpetual rule which they judged improper. This expedient was assented to, and Congress accordingly went into

A Committee of the whole

The points arising on the several amendts. proposed were 1st. the period beyond wch. the rule of the first valuation sd. not be in force.² On this point Mr. Collins proposed 5 years, Mr. Bland 10 years, Mr. Boudinot 7 years, N. Jersey havg instructed her Delegates thereon.³ The Cont. delegates proposed 3 years—on the question for 3 years, N. H. no, Mas: no. R. I. ay, Cont. ay. all the other States no. On the question for 5 years, all the States ay except Cont.⁴

The 2d. point was whether & how far the rule sd. be retrospective. on this point the same views operated as on the preceeding. Some were agst. any retrospection, others, for extending it to the whole debt, and others, for extendg it so far as was necessary for liquidating and closing the accounts between the United States and each individual State.⁵ The several motions expressive of these different ideas were at length withdrawn, with a view that the point might be better digested, & more accurately brought before Congress. So the rept. was agreed to in the Come. & made to Congress. When the question was about to be put Mr [Madison] observed that the report lay in a great degree of confusion, that several points had been decided in a way too vague & indirect to ascertain the real sense of Congs. that other points involved in the subject had not recd. any decision; and proposed the sense of Congs. shod. be distinctly & successively taken on all of them & the result referred to a Special Come. to be digested &c. The question was however put & agreed,⁶ the votes as they appear on the Journal. The reasons on which Mr. Hamiltons motion was grounded appear from the preamble.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:195–97.

¹ See Madison's Notes, February 4, note 10.

² John Rutledge's motion on this subject is recorded by Madison in his notes of debates for February 4.

³ Boudinot was probably in error, as New Jersey had indicated in a 1778 "representation" on the Articles of Confederation a preference for adjustments in land valuations every five years (*JCC*, 11:649), and apparently had not deviated from this position. In any event, the New Jersey delegates subsequently voted aye "on the question for 5 years," after voting no on the previous motion for three.

⁴ With Delaware and Georgia unrepresented, and Maryland and Rhode Island each represented by a single vote.

⁵ At this point Madison wrote and then lined out: "This was generally satisfactory except to Mr Dyer & Mr Mercer who supposed that as in that case the requisitions of Congs. would be the sum apportioned it would operate too much in favr of the States which wd. be underrated in the first valuation." The mention here of John Francis Mercer, who took his seat in Congress on February 6, suggests that the debate on "The 2d point" recorded in this paragraph took place on February 6, the sole evidence available for ascertaining the chronological division of this composite entry.

⁶ Madison later changed "agreed" to "negatived," to reflect the actual 5 to 2 vote on this proposed resolution. *JCC*, 24:116.

Phillips White to Josiah Bartlett

Sir

Philadelphia Feby 5 1783

Recd your favor of 23 Decr. Among other things you press hard that the Affair of Vermont may be settled. It has been taken up in Congress often since I have been here, but the different Opinion of members has prevented any determination. The southern members are greatly opposed to their Independence, and there are not a Sufficient number of the States that are for subjugating them to N. York or N. Hampshire, and even if it was Resolved in Congress to bring them under either of said states, or divide them between both, I am of opinion it Could not be Carried into execution. Yesterday was recd. in Congress, a long remonstrance from Thomas Chittenden Esqr.,¹ against the proceedings of Congress which passed some time since, requiring the Inhabitants of said Territory to restore Certain persons who they had Banished. He therein mentions the resolve of Congress wherein they were to Cast off the two wings & then [*be*] received into union, inserted also a copy of a Letter written by General Washington recommending the measure, & intimating that there would be no difficulty of being received after that was done. Note—the General wrote said letter (as is said) by desire of several members of Congress. Mr. Chittenden fears not the Army it seems, by the drift of his letter, & wonders that Congress should meddle with the affairs of their state—they are willing to dispute the affair with N. York—he says that it has been an Independent State a number of years, but on the whole is willing to enter into union with the thirteen States. We have nothing new from Europe but are in expectation of Something soon. I have heard the fate that the plan of government met with, by often sifting I hope the vile part will be done away.

Religious disputes none here, each one worships where he pleases & there are many denominations & places of worship. I will not trouble you with more but Subscribe myself your most humle. Servt,

P White

RC (MeHi: Fogg Collection).

¹ See James Madison's Notes of Debates, February 4, 1783.

James Madison's Notes of Debates

Friday Feby. 7 [1783].

On motion of Mr. Lee who had been absent when the Report was yesterday negatived, the matter was reconsidered.¹ The plan of takg the sense of Congs. on the several points as yesterday proposed by [Mr. Madison] was generally admitted as proper.

The first question propd. in Come. of whole by [Mr Madison] was; Q: Shall a valuation of land within the U. S. as directed by the articles

of confederation be immediately attempted? 8 ays—N. Y. only no. The States present, N. H., Mas., Cont., N. Y., N. J., Pa., Va., N. C., S. C. R. I. 1 member, Maryd. 1 do.

By Mr. Wilson

Q: Shall each State be called on to return to the U. S. in Congs. assd. the no. of acres granted to or surveyed for any person, and also the no. of buildings within it? 8 ayes—N. C. no—supposing this not to accord with the plan of referring the valuation to the States, which was patronized by that delegation, a supplement to this question was suggested as follows.

Q: Shall the male inhabitants be also returned, the blacks & whites being therein distinguished? Ay. N. C. no for same reason. Cont. divided.

By Mr. M[adison].

Q: Shall the States be called on to return to Congs. an estimate of the value of its lands with the buildings & improvements within each respectively? After some discussion on this point in wch the inequalities which wd. result from such estimates were set forth at large; and effects of such an experiments in Virga. had been described by Mr. Mercer, and a comparison of an average valuation in Pa. & Va. which amounted in the latter to 50 PerCt. more than in the former, altho' the real value of land in the former was confessedly thrice that of the latter had been quoted by [Mr. Madison] the apprehensions from a reference of any thing more to the States than a report of simple facts increased, and on the vote the States were as follows, N.H., Mas., N.J., Pa., Va., no; Mr. Bland ay. Mr. Lee silent. Cont., N.C., S.C., ay. N.Y. divid. So it passed in the negative.

Q: by Mr. [Madison], shall a period be now fixed beyond which the rule to be eventually establd. by Congs. shall not be in force? Ay, unanimously.

By Mr. [Madison] Q: What shall that period be? Cont. was again for 3. years, which being negd. 5 yrs passed unanimously.

Q: by Mr. M[adison] shall the rule so to be establd. have retrospective operation so far as may be necessary for liquidating & closing the accts. between the U.S. & each particular State? Ay—Cont. no. Mr. Dyer & Mr. Mercer understood this as making the amt. of the several requisitions and not of the paymts, the standard by which the accts. were to be liquidated and thought the latter the just quantum for retrospective apportionment. Their reasoning however was not fully comprehended.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:197–200.

¹ See Madison's Notes, February 5–6; and *JCC*, 24:117. After adoption of Lee's motion, Congress was resolved into a committee of the whole, whose proceedings this day were also recorded by Charles Thomson, although the secretary had never entered such committee debates in the journals of Congress. See *PCC*, item 36, fols. 448–50, 467–69; and *JCC*, 24:118–19. In a number of instances Thomson's notes contain slightly fuller information than Madison's.

Daniel Carroll to Daniel of St. Thomas Jenifer

Sir, Pha Feby 10th. 1783

I have this day been favord with yours of the 7th Instant. There must have been a mistake respecting what you say of Govr Lee. I could not have intended to convey the Idea mentiond. Underneath is an acct of what I have reciv'd from Hollingsworth since my return.

In consequence of the information you have given me, I have wrote the inclos'd to the Govr & Council¹—& take the liberty of requesting you to deliver it—please to put a Seal to it, when you have perus'd it.

Congress pass'd a resolution lately respecting the pay & depreciation due to the Officers, & Soldiers. It does not go beyond the first of Augt 80.² I will send the resolution by this post if possible—at any rate by the next.

I shall attend to your requests abt the advertisement, Starr, & the news papers; & when I can say any thing certainly about peace, & other Material intelligence which I may be at liberty to Communicate, you shall hear from me.

The Ladies with the Gentlemen of your acquaintance present their Compt. & I am, Sr., very respectfully, your Mo Obt Servt,

Danl. Carroll

Recd. of Mr Hollingsworth in Sept.	£100. . .
Do Novr.	54.5
Do Decr.	100. . .
Do Jany	60
	<u>£314.5—</u>

NB—Ballce due & encreasing every day.

Allowance from 20th Augt. to abt the 20 Novr. @ 35/	abt. £157.10
from abt 20 Novr. to the 10th of Feby @ 40/	abt. 160.
	<u>£317.10</u>

RC (MdAA: Red Books).

¹ Not found.

² See James Madison's Notes of Debates, January 25, note 3.

John Lewis Gervais to Battaile Muse

Dear Sir, Philadelphia 10th. Feby. 1783

Your favour of the 31st of December last I had the pleasure to receive on the 20th January by which I observe that you have moved from Fauquier to Berkeley County. I shall inclose my Letter to Mr Mercer & request him, if a post goes from Fredericksburg to Winchester, to send it that way, otherwise to forward it by some safe opportunity.



John Lewis Gervais

I am sorry to find that although I was right in my conjecture, a disappointment has happened, however this must be met with resolution. The comfort is, that if one went another will.

No doubt you have heard that the British evacuated Charles Town on the 14 of December last—houses they did not burn, but they carried off a great many Negroes although they pretended to give orders to the contrary, however I know it will give you pleasure to be informed that I have recovered the greatest part of mine, my Letters say—“*you have lost some but not many.*”

Much is talked of peace—I think in less than a Month we shall know whether that happy event is to take place soon, the news published on that Subject to day is vague & uncertain.

I am much obliged to you for your Kind offers of Service, & wish it may be in your power to Sell the Indigo Soon, the product of it would come very Seasonably—particularly as I intend to go Southwardly next April & shall want every thing I can Scrape together to get away from here, yet as much as I am necessitated—I would not wish you should put yourself to any inconveniency on my Account. But if it should be in your power to remit me any thing I think it would be best to send it to Mr. James Mercer who, could easily send it to me from Fredericksburgh.

Mrs. Gervais desires her Compliments to you. We are all well & hearty now. I Inclose a news paper and am with great Regard, Dear Sir, Your most Obedient Servant, John Lewis Gervais

P. S. You'll oblige me much to send me an answer soon.

RC (NcD: Battaile Muse Manuscripts).

James Madison's Notes of Debates

Monday Feby. 10 [1783].

The Report of the Committee on the Resolutions of Va. concerning the contract Under which Tobo. was to be exported to N. Y. and the admission of circumstantial proof of accounts agst. U. S. when legal vouchers had been destroyed by the enemy.¹

Mr. Mercer informed Congress that this matter had made much noise in Va. that she had assented to the export of the first quantity, merely out of respect to Congs. and under an idea that her rights of Sovereignty had been encroached upon; and that as a *further quantity* had been exported *without the licence of the State*, the question was unavoidable, whether the authority of Congs. extended to the act. He wished therefore that Congress wd. proceed to decide this question.

Mr. Fitzimmons in behalf of the Committee observed that they went no farther than to examine whether the proceedings of the officers of Congs. were conformable to the Resols. of Congs. & not whether the latter were within the power of Congs.

Mr. Lee. sd. the Rept. did not touch the point that, the additional quantity had been exported without application to the State, altho' the first quantity was licenced by the State with great reluctance, in consequence of the request of Congs. and of assurances agst. a repetition, and that the Superintendt & Secy. of Congs. ought at any rate to have made application to the Executive before they proceeded to further exportations.

Mr. Rutledge sd. the Rept. went to the very point, that Va. suspected the Resols. of Congs. had been abused by the Officers of Congs. & the Rept. shewed that no such abuse had taken place; that if this information was not satisfactory, and the State sd. contest the right of Congs. in the case, it wd. then be proper to answer it on that point, but not before; He sd. if the Gentleman (Mr. Lee) meant that the Come. authorised by Congs. on the day of ² to make explanations on this subject to the Legislature of Va. had given the assurances he mentioned, he must be mistaken: for none such had been given. He had he sd. formed notes of his remarks to the Legl. but accordg to his practice had destroyed them after the occasion was over, and therefore cd. only assert this from memory, that nevertheless his memory enabled him to do it with certainty.

Mr. Lee, in explanation sd. he did not mean the Come. that the abuse complained of was not that the Resolun. of Congs. had been exceeded, but that the export had been undertaken without the Sanction of the State. If the acts were repeated, he said, great offence wd. be given to Va.

The report was agd. to as far as the Tobo. was concerned without a dissenting voice. Mr. Lee uttering a no, but not loud enough to be heard by Congress or the chair. The part relating to the loss of Vouchers, was unanimously agd. to.³

Come. of the Whole.

The Rept. for valuation of land amended by insertion of "distinguishing dwelling houses from others."⁴

The Come. adjourned & the report was made to Congs.⁵

Mr. Lee & Mr. Jarvais moved that the report might be postponed to adopt another plan to wit "to call on the States to return a valuation: and to provide that in case any return sd. be not satisfactory to all parties, persons sd. be appd. by Congs. & others by the States respectively to adjust the case finally.["] On this question N. H. was divd, Mas. no, R. I. ay, Cont. no, N. Y. divd, N. J. no, Pa. no, Va. no, Mr. M. & J. no, Mr. L. & B. ay.⁶ N. C. ay, S. C. ay.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:212–15.

¹ See *JCC*, 24:121–23; and Virginia Delegates to Benjamin Harrison, January 28, 1783, note 1.

² That is, 22d day of May 1782. See *JCC*, 22:289–90; and Committee of Congress to Benjamin Harrison, May 31, 1782.

³ These votes were not recorded in Secretary Thomson's journals. *JCC*, 24:123.

⁴ This report had been the subject of debate in committee of the whole the last three days of the preceding week, for which see Madison's Notes, February 5–6, 7, and 8, 1783.

⁵ See *JCC*, 24:124.

⁶ That is, Madison, Joseph Jones, Arthur Lee, and Theodorick Bland.

Jonathan Arnold to Welcome Arnold

Dear Sir,

Philadilphia Feb. 11th, 1783.

I have made enquiry respecting the Constitutions of the several States agreeable to your request and find—they can be had (every states Constitution being bound together)—in a small volume and pretty neat, the price will be 10s each Pennsylv. Currency per doz. About 100 Copies of the Edition, only remain unsold. Shall wait your Advice with respect to engaging any.¹

We have no news. The mode for obtaining a general Estimate is not yet completed, it meets with violent & stubborn opposition from those who wish to engross more Powers to Congress and—change the present Constitution—but I have hopes it will work its way thro'—tho' perhaps not so well—as though all were engaged in favor of it.

The Affair of half pay—also remains unsettled. With wishes for the welfare of you & yours—I have the honor to be, Your very humble Servt,

Jona Arnold

RC (PHi: Gratz Collection).

¹ For this edition of *The Constitutions of the Several Independent States of America*. . . , authorized by Congress in 1780, see these *Letters*, 16:584n.1.

Jonathan Arnold to George Washington

Sir,

Philadelphia, Feby. 11th. 1783.

I am to acknowledge the receipt of your Letter of the 5th Instant—in return to mine of the 28th Ultó.¹

As that was hastily written at the Table in Congress, under the perturbation of mind which an attack upon my Character as unexpected as unmerited excited—I have to regret if any unguarded expressions therein should have occasioned the detail, you have been pleased to give respecting its transmission to Congress. Be assured, Sir, your proceedings were to me perfectly satisfactory.

I have taken the Liberty to enclose a number of interrogatories—which I am desirous shoud be answered in the most explicit manner by Capt. Mackomber—under Oath. And am necessitated to give you the trouble to direct that it be done, as well that you may be informed of what passes on the Occasion—to whom the report was made, as because you can direct it to be done in a manner which shall consist with that secrecy, which the ground of Capt. Mackombers mission may require.

From the personal knowledge I have of that young gentleman, who I ever esteemed, as a person of Probity I cannot suppose him capable of designing an Injury to me And Therefore conclude he has either inadvertently imposed on himself or has been villainously imposed upon by others—in this Affair.

It is my misfortune not to have preserved Copies of Letters which I have written from this City to Governor Chittenden & Major Fay—as I have no doubt they would have fully explained the mistake, for which purpose, I will procure the Originals to be transmitted me as soon as possible.²

I have the honor to be, Your Excellency's Obedient & hume Servt.
Jona Arnold

ENCLOSURE

Interrogatories to be answered under Oath by Capt. Ebenezer Mackomber, of Lt Col. Olney Regiment,³ in Consequence of the following Paragraph in a Report he gave on his return from executing Special business in the Territory of Vermont, which report bears date January 7th. 1783, which Paragraph is in the following words.

"He" (Israel Smith,) "farther said that Knowlton and Welles, had recieved a Letter from Jonathan Arnold Esquire at Congress, part of which was made public, which informed them that affairs in Congress, were very unfavorable to them, and would have them look out for themselves—what other information this Letter contained he could not say."

1. When said Smith gave you the information alluded to above was the Conversation immediately respecting the said Knowltons' & Welles's absence from home—or was it relative to the affairs of Vermont, and the proceedings of the people of that Territory? Please to relate the whole of the Conversation you had with sd. Smith in that matter.

2. Did Said Smith tell you he had ever seen such a Letter, as your report mentions him to have given information of, or did he say by what means he came by his knowledge of the letter he spoke of?

3. Did said Smith tell you or did you learn from any other person, when, where, and in what manner the Letter he spoke of or part thereof was made public? and if you did please to relate the whole that passed in those respects.

4. Was any other person or persons present when you had your conversation with sd Smith? and if so please to name them.

5. Did any person or persons whatever, assist you in drawing up said report, either by advising, dictating or directing as to the manner and matter thereof—or by correcting, adding to, diminishing from—or in any wise altering or amending such draft as you might have drawn up of yourself—or that was drawn up by your direction—or by copying or transcribing the same? And if any person or Persons whosoever did advise or Assist you in all or any, or either of the foregoing Particulars, please to name him or them—with his legal addition, Occupation, or

title, and place of abode or present residence—and also please to inform in what manner he or they did advise and assist you therein—with every Circumstance relative thereto.

Philadelphia Feb. 11th. 1783.

Jona Arnold

RC (DLC: Washington Papers).

¹ Washington's February 5 letter to Arnold is in Washington, *Papers* (Fitzpatrick), 26:96.

² No such letters from Arnold to Thomas Chittenden and Jonas Fay were ever received by Washington, and no copies of them have been found.

³ In response to Arnold's request, Washington immediately ordered Macomber's commanding officer, Maj. Coggeshall Olney, to obtain the required deposition, which Washington subsequently sent to Arnold on March 5th. See Washington, *Writings* (Fitzpatrick), 26:144–45, 192. The original of Macomber's deposition, which Olney enclosed in a February 27 letter to Washington, is in the Washington Papers, DLC.

Samuel Holten to Benjamin Lincoln

Dear Sir.

Philadelphia Feby. 11th 1783.

I have been honer'd with your attentions of the 28th of Octr. & 12th Nov, the former I shou'd have noticed much sooner had it not been for the particular circumstances of my affairs, the other I receiv'd the 7th instant.

What can be done for the officers of the army seems to ingage much of the attention of Congress at this time; Justice demands that their faithful services shou'd not go unrewarded, I believe Congress will do all that can reasonably be expected of them.

You are pleased to ask my opinion respecting Mr. Phelan's affairs; I apprehend that you then considered me in Boston where I wuld be well informed respecting the matter, but as circumstances are altered you have now that advantage & no doubt have or will avail yourself of it, the man aught to have justice done him, if he has been injured.¹

The enclosed Newspaper contains the intelligence of the day but we are still looking out for farther European intelligence, by which we may be able to form a better Judgement whether the War is to be continued or the blessings of Peace so near at hand as some believe.

I have the honor to be, with particular respect, your most obedt.²

FC (DLC: Samuel Holten Papers). In the hand of Samuel Holten.

¹ Edward Phelon was a Nova Scotian who had incurred several wounds while serving as a lieutenant in the 4th Massachusetts Regiment. He subsequently obtained a captain's commission when he petitioned Congress for a promotion in September; and two years later was granted \$1,000 as his disability prevented him "from procuring a livelihood." See PCC, item 41, 8:176–80, item 78, 18:553–57; and JCC, 25:571n.1, 634–36, 29:606, 613–14, 672–73.

² Holten, who had just returned to a seat in Congress on February 4, also wrote the following note on February 10 to Stephen Collins, a Philadelphia merchant with whom a few delegates had previously lodged or boarded. "Dr. Holten presents his respectful compliments to Mr Collins, & acquaints him that Mr Gorham having concluded to tarry

where he is for the present, & Dr. Holten not inclining to live where there was no member of Congress, has taken a chamber at Mrs Sands, for the present, but has to return his thanks to Mr Collins for his kind assistance." Holten Papers, DLC.

James Madison's Notes of Debates

Teusday. Feby. 11 [1783].

The Rept. made by the Come. of whole havg. decided that the mode to be grounded on the return of facts called for from the States, ought now to be ascertained.¹

Mr. R——dge propd 2d by Mr. Gilman, that the States sd. be required to name Comrs. each of them one, who or any nine of them sd. be appd. & empowerd. by Congs. to settle the valuation.² Mr. Ghorum³ was agst. it as parting with a power which might be turned by the States agst. Congs. Mr. Wolcot agst. it; declares his opinion that the confederation ought to be amended by substituting numbers of inhabitants as the rule; admits the difference between freemen & blacks; and suggests a compromise by including in the numeration such blacks only as were within 16 & 60 years of age. Mr. Wilson agst. relinquishing such a power to the States; proposes that the Comrs. be appd. by Congs. and their proceedings subject to the ratification of Congs. Mr. Mercer for submitting them to the revision of Congs. & this amendment recd.⁴ Mr. Peters agst. the whole scheme of valuation, as holding out false lights & hopes to the public. Mr. Rutledge thinks Comrs. appd. by the States may be trusted as well as Comrs. appd. by Congs. or as Congs. Mr Wilson observes that if appd. by the States they will bring with them the spirit of agency for their respective States, if appd. by Congs. will consider themselves as servants of U.S. at large & be more impartial.

Mr. Ghorum 2ded. by Mr. Wilson, proposes that to postpone in order to require the States to appt. Comrs. to give Congs. information for a basis for a valuation—on the question N.H. no, Mas. ay, R.I. ay, Cont. ay, N.Y. ay, N.J. ay, Pa. ay, Va. no, N.C. no, S.C. no.⁵

To make the resolution more clear, after the words "or any nine of them," the words "concurring therein" were added. Mr. Rutledge says that subjecting the acts of the Comrs. to the revision of Congs. had so varied his plan that he sd. be agst it—on the main question N.H. ay, Mas. ay, R.I. ay, Cont. ay, N.Y. no, N.J. no, Pa. ay, Va. ay. (Mr. Madison no), N.C. ay, S.C. ay.⁶ So it was agreed to & the resolution declaring that a mode sd. now be fixed struck out as executed. The whole report was then committed to a special Come. consisting of Mr. Rutledge, Mr.

⁷ to be formed into a proper act.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:215–17.

¹ See *JCC*, 24:124; and Madison's Notes, February 10, 1783.

² See *JCC*, 24:125.

³ Madison originally wrote "Dyer," which he lined out and replaced with "Ghorum."

⁴ See *JCC*, 24:125.

⁵ In the vote on this motion in PCC, item 36, 3:459, Rhode Island is recorded as divided and South Carolina ay. *JCC*, 24:126.

⁶ This vote is not recorded in *JCC*.

⁷ Madison later inserted "Gorham & Mr. Gilman" in this blank.

James Madison to Benjamin Harrison

Sir Philada. Feby. 11th. 1783.

Your Excellency will receive this from the hand of Mr. Dunlap who will represent the advantages which his press at Richmond will derive from a payment of the allowance made for his losses in establishing it. Being sensible of your Excellency's disposition to attend to every application as far as its merits may require, and may depend on yourself, especially when the public interest may be in any manner included, I should have forborne to trouble you on the present occasion, had not my agency in the original contract with Mr Dunlap given him a claim to at least a line introducing his case to your Excellency.¹

I am Sir wth great respect Yr Excellency's obt & hble servt.

J. Madison Jr

Reprinted from Madison, *Papers* (Hutchinson), 6:218.

¹ For John Dunlap's role in establishing James Hayes' press at Richmond, see these *Letters*, 16:683, 730, 752, 17:60–61; and Madison, *Papers* (Hutchinson), 6:218n.

James Madison to Thomas Jefferson

Dear Sir Philada. Feby. 11th. 1783

Your favor of the 31 of Jany. was safely brought by Mr. Thomson. That of the 7 inst. came by yesterday's mail.¹ The anecdote related in the first was new to me; and if there were no other key, would sufficiently decypher the implacability of the party triumphed over. In answer to the second I can only say at this time that I feel deeply for your situation: that I approve of the choice you have made among its difficulties, and that every aid which can depend on me shall be exerted to relieve you from them. Before I can take any step with propriety however it will [be] expedient to feel the sentiments of Congress, and to advise with some of my friends. The first point may possibly be brought about by your letter to the Secy. of F. A. which I suppose came too late yesterday to be laid before Congress, but which will no doubt be handed in this morning.²

The time of Congress since you left us has been almost exclusively spent on projects for a valuation of the land, as the foederal articles require, and yet I do not find that we have got an inch forward towards the object. The mode of referring the task to the States which

had at first the warmest & most numerous support seems to be in a manner abandoned; and nothing determinate is yet offered on the mode of effecting it without their intervention. The greatest misfortune perhaps attending the case is that a plan of some kind is made an indispensable preliminary to any other essay for the public relief. I much question whether a sufficient number of States will be found in favor of any plan that can be devised, as I am sure that in the present temper of Congs. a sufficient number cannot. Who will agree to tell their Constituents that the law cannot be executed, and to propose an amendment of it.

{Congress yesterday received}³ from {Mr. Adams several letters dated September}⁴ not remarkable for any thing unless it be a full {display} of {his vanity, his prejudice against} the {French Court} & {his venom against Doctr. Franklin.} Other preparations for the post do not allow me to use more cypher at present.

I have a letter from Randolph dated Feby. 1 confirming the death of his aunt.⁵ You are acquainted no doubt with the course the estate is to take. He seems disposed in case he can make a tolerable compromise with his Father's creditors to resign his appt. under the State & go into the Legislature. His zeal for some continental arrangemt. as essential for the public honor & saftety forms at least one of his motives, & I have added all the fuel to it in my power.

My neglect to write to you heretofore has proceeded from a hope that a letter wd. not find you at Baltimore; and no subject has occurred for one of sufft. importance to follow you. You shall henceforward hear from me as often as an occasion presents, until your departure forbids it. The Ladies & Gentlemen to whom I communicated your respects, return them with equal sincerity & the former as well as myself very affectionately include Miss Patsy in the object of them.

I am Dr. Sir Yr. Sincere friend,

J. Madison Jr

RC (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:220–21.

¹ See *ibid.*, pp. 179–80, 202–5.

² For Jefferson's February 7 letter to Robert R. Livingston explaining the danger of sailing in the *Romulus* given "the number and force of the cruisers now actually watching the Chesapeak. . . . such as to render a capture certain were we to hazard it," see Jefferson, *Papers* (Boyd), 6:228–29. The letter was read this day and referred to a committee chaired by Joseph Jones which reported three days later, for which see PCC, item 185, 3:54; and Madison's Notes, February 14, 1783.

³ Words printed in braces in this text were written by Madison in a new cipher supplied by Jefferson and based on Thomas Nugent's *New Pocket Dictionary*, for which see Ralph E. Weber, *United States Diplomatic Codes and Ciphers 1775–1938* (Chicago: Precedent Publishing, Inc., 1979), pp. 56–59, 71n.27; and Madison, *Papers* (Hutchinson), 6:177–79.

⁴ John Adams' four dispatches to Robert R. Livingston of September 6, 7, and 17 (2), 1782, were read in Congress on February 10. That of the 7th, on Adams' accounts, was referred to a committee chaired by Nathaniel Gorham which was discharged on July 8,

1783. See PCC, item 84, 4:149–59, 173–80, item 185, 3:54, item 186, fol. 83; and Wharton, *Diplomatic Correspondence*, 5:703–9, 733–38.

⁵ See Madison to Randolph, February 4, 1783, note 1, and the following entry, note 1.

James Madison to Edmund Randolph

My dear friend

Philada. Feby. 11. 1783.

I am particularly indebted to you for your favor of the 1st inst. which you were obliged to forward through so many obstacles.¹ Your idea of going into the legislative councils gives me peculiar satisfaction, & I anxiously wish the arrangements on which it depends may not miscarry. Indeed I think it is a duty to which you owe some sacrifices, greater than I sd. suppose the difference between the profits of your office, & those from which it excludes you, can amount to. Of this difference you are the best judge; but in my position I undertake to say, your view of our affairs would furnish still more cogent motives than those you now feel. The valuation of the lands of the U.S. as directed by the articles of Union has employed & puzzled Congress for the past week; and after all the projects & discussions which have taken place, we seem only to have gone round in a circle to the point at which we set out. The only point on which Congress are generally agreed is that something ought to be attempted; but what that something ought to be, is a theorem not solved alike by scarcely any two members: and yet a solution of it seems to be made an indispensable preliminary to other essays for the public relief. The Deputation from the army is waiting the upshot of all these delays & dilemmas.

When I mentioned to you the subject of your conversation with Dr. McC[¹]urg,² I ought to have added that one reason which influenced the resign of ———³ was an expence experienced of 3 thousand dollrs. beyond the salary. I wish this circumstance not to be withheld as it must be material in the case, and it would be a real affliction to me to be accessory to a disappointment. For the same reason it is incumbent on me to observe that I hold it to be very uncertain whether [*the*] place in question will be within the option of our friend, as I hold indeed the continuance of the place itself to be a little precarious.

Mr. J. is detained at Baltimore by the danger wch besets the Capes. This situation he writes me is far from being a pleasant one and yet I fear the avidity and vigilance of the Enemy will prevent his being quickly relieved from it. Mr. Mercer filled up the remaining blank in the Delegation on Wednesday last.⁴

This City is full of reports concerning peace, but they all come by the way of the W.I. and are the more uncertain as they come too thro' mercantile channels. The fall of goods which is taking place augurs well however.

RC (DLC: Madison papers). Written by Madison, though not signed. Madison, *Papers* (Hutchinson), 6:223–24.

¹ See *ibid.*, pp. 184–85.

² See Madison to Randolph, December 2, 1782, note 3.

³ That is, the resignation of Robert R. Livingston.

⁴ See Madison to Randolph, January 28, 1783, note 8.

Massachusetts Delegates to John Hancock

Sir,

Philadelphia Feby. 11 1783

We beg leave to acquaint your Excellency that the delegates of Massachusetts agreeable to their instructions, again call'd the attention of Congress to the subject of the old paper money—in consequence of which a Committee was appointed for the consideration thereof who reported that it should be redeem'd from the possessers by giving continental securities on interest for the amount, the Committee in their report leaving the rate at which the redemption should be made a blank. When the report was under the consideration of Congress a motion was made to fill the blank with the word forty which pass'd in the negative.¹ Another motion was then made that the blank be fill'd by inserting the words seventy five which allso pass'd in the negative.

The report still lays before Congress to be taken up when call'd for, but the deficiencies of all the States in the payment of their quota of the eight millions of dollars required for the service of the year seventeen hundred and eighty two as will appear² are such as to occasion difficulties almost insuperable in all the great departments; which with the pressing demands of the publick creditors has so embarrassed Congress that their whole attention is necessarily turn'd to provide for the immediate exigencies of Government, and to the means necessary for the restoration of publick credit. Whenever Congress shall come to such resolutions upon those great questions, as that their attention to them can with safety to the general welfare be dispensed with, we shall again bring into view the affair of the old money and will as early as possible inform our constituents of the resolutions that may be pass'd upon this business, or upon any of those important objects now under consideration.

We have only to add our request Sir that you will make to the Court the communication of the subject matter of this letter³—and that we are with all due consideration & respect to the Hone. Court & to your Excellency—Your very humble servants, &ca.

S Holten

Samuel Osgood

Nathl Gorham

RC (M-Ar: Revolutionary War Letters). Written by Gorham and signed by Gorham, Holten, and Osgood.

¹ For the January 7 debate on this report, drafted in response to "a letter of 21 October, 1782, from the legislature of Massachusetts," see *JCC*, 24:39–42. See also James Madison's Notes of Debates, November 26, and December 6, 1782.

² At this point Gorham wrote "inclosure" in the margin. The delegates undoubtedly enclosed a copy of *A State of the Receipts and Expenditures of Public Monies upon Warrants from the Superintendant, January 1783*. . . . *Joseph Nourse, Register. Registers Office, January 31st, 1783*. (Philadelphia: David C. Claypoole, 1783). See Evans, *Am. Bibliography*, no. 18,270; and Morris, *Papers* (Ferguson), 7:386.

³ Endorsements by Samuel Adams, president of the Massachusetts Senate, and Tristram Dalton, speaker of the House, indicate that this letter was committed to a joint committee of the General Court on February 25.

John Montgomery to Robert Magaw

Dear Sir

Philada 11th Feby 1783

Mr Lee has Recd. no answer from Mr. Livingston about your affair.¹ I mentioned it to the Presdt of Congress he said that you were wrong to imploy the above gentln and advises you to aplay to the war office and to do it Soon. Genl Lincon is not in town at Present but Mr. Jackson will do your Bussiness as well. I have Spoke Sundrie times to Lee about it and I Sepose that he has wrote to you on the Subject. I Sent your minutes and Laws with David Rowan. We have Some hops of peace but have had no official accts Latly from Eroupe. I am much pleased with the present Congress. Thire is men in it of the first abilities and are well Disposed to do Evrything in thire power for the Relife of the Armie and the Publick Criditors. We are making great Prograss in takeg Subscriptions for a Collegeu at Carlisle.² I belive that we will be able to Raise near £5000 in this City. Our presdt has Subsribed £600 in Land. Mr. Wilson gives £300 pattaned Land above Sunbury, Mr Bingham £400 Spaice, Blair McClanaghan will give us £300 pattaned Land, many others will give Largly. I think that it is time to pattion the Assembly for a Charter. I wish you woud Endeavour to promote one at Carlisle. We Shall met with oposition but I am perswaded that we will be able to Carrie it into Effect. You will See bloody bones Speech in the papar of the 12th. Is J McLean bare bones, is person Montgomery the Sleeping Lyon Read [Joseph Reed] in his Phamplet Calls the Prysbtters. [Presbyterians].³ The above two gentln Carrie all in the Assembly at Present.

I am Dear Sir your assured Frind and Humbl Servt,

John Montgomery

RC (PHi: Lamberton Scotch-Irish Collection).

¹ There is no mention of this "affair" in the journals or papers of Congress.

² John Montgomery's work in behalf of the founding of Dickinson College at Carlisle, Pa., is the subject of Whitfield J. Bell, Jr., "The Other Man on Bingham's Porch," in "John and Mary's College," *The Boyd Lee Spahr Lectures in Americana, 1951–1956* (Westwood, N.J.: Fleming H. Revell Co., 1956), pp. 33–59.

³ In a pamphlet recently published by Francis Bailey under the title *Remarks on a Late Publication in the Independent Gazetteer*. . . , former Pennsylvania president Joseph Reed had responded to charges that he had been on the verge of joining the enemy in December 1776. Evans, *Am. Bibliography*, no. 18,147. Reed's pamphlet had elicited a satirical "Speech of the Hon. Mr. Bloody-Bones," supposed to have been given in the Pennsylvania Assembly, which appeared in the February 12 issue of the *Pennsylvania Gazette*. "Some of the members of this House are jealous of the Power of us Presbyterians," Mr. Bloody-Bones declared, insisting that "we have a hereditary right in the government of Pennsylvania," and he went on to allude to "a sleeping lyon" and "Mr. Praise-God Barehones from Lancaster county," whom Montgomery apparently surmised were Joseph Montgomery and James McLene.

Reed's pamphlet and the charges levelled against him by a group led by John Cadwalader have been analyzed by John F. Roche, *Joseph Reed, A Moderate in the American Revolution* (New York: Columbia University Press, 1957), pp. 201-13.

Virginia Delegates to Benjamin Harrison

Sir,

Philadelphia Feby. 11th. 1783

We had the honor of receiving your Excellency's favor, of the 31st of Jany., & sympathize very sincerely in the distress you must have felt for a Sister so worthy of being belovd & honord.¹

The miscarriage of our Letter of the 22d ult. was probably owing to the cause your Excellency supposes. We shall desire the Post-master general to make due enquiry into it, that if any mal-practice can be discovered it may be punishd.² The demands of the Officers tho' just, are distressing; & we wish their sentiments had been such, as your Excellency mentions. But we have no reason to apprehend, that they will forget they are Citizens as well as Soldiers; or be dissatisfyd with the best provision that can be made for them, during the distress of the war.

The enclosd hand-bill, which receives some corroboration from the report of a Captain just arrivd from St. Thomas's, is all we know of the issue of the negotiations for Peace.³

Congress have passd Resolutions, relative to the Tobacco shipt by Mr. Clarke; & the settlement of the State-accounts;⁴ copies of which we shall transmit by the next post. The dispute with Mr. Nathan is not yet arbitrated.

We have the honor to be with the highest respect, your Excellency's most obedient & most humbl Servants,

J Madison Jr. Jos. Jones.

John F. Mercer A Lee

Theok. Bland Jr

RC (PHi: Dreer Collection). Written by Arthur Lee and signed by Lee, Bland, Jones, Madison, and Mercer. Madison, *Papers* (Hutchinson), 6:219.

¹ *Ibid.*, p. 176.

² For Harrison's acknowledgement of the arrival of the Virginia delegates' letter of January 21, rather than the "22d," see *ibid.*, p. 277.

³ The "enclosed hand-bill" has not been found, but according to the *Pennsylvania Packet* of February 11 a handbill had been printed in Baltimore February 5 containing rumors by way of the West Indies that a preliminary peace treaty had been signed and that they appeared to be corroborated by the captain of the *Inis* "just arrivd from St. Thomas's."

⁴ See James Madison's Notes of Debates, February 10, 1783.

Jonathan Arnold to William Greene

Sir.

Philadelphia Feby. 12th. 1783.

We are this moment in a Committee of the whole—at work upon the Affair of Impost.¹ Nothing is yet completed, to inform you of, I was in hopes, by this post to have been able to have transmitted the Mode for Obtaining a general Estimate but after many days agitation—by doing, and undoing—it is yet unfinished. As I concieve it a matter of vast import—I shall lose no time in forwarding it when a final decision thereon shall have taken place. As to the Impost, it appears to me most probable it will be recommended anew with some very material Alterations—but yet so as that very strong objections will lie against it. My health for the week past has been such that nothing but the most absolute necessity could have induced me to go out of my quarters. But when matters of such consequence were on the Tapis, I should have held myself inexcusable, to have been absent & the State thereby unrepresented—tho' by such exertions I have not had all the satisfaction which I wished. Enclosed are Returns from the Registers Office of a Genl view of Expenditures & receipts of Monies to Decr. 1781.² Shall if Health permits write you a Public Letter by your brother who is well & expects to be on his return in the next week.

I have the Honor to be, with great respect & esteem, Your very
hume Servt.

Jona Arnold

RC (R-Ar: Letters to Governors).

¹ See James Madison's Notes of Debates, this date.

² Undoubtedly *A General View of Receipts and Expenditures of Public Monies, by Authority from the Superintendent of Finance, from the Time of His Entering on the Administration of the Finances, to the 31st December, 1781* . . . Joseph Nourse, Register. Register's Office, November 18, 1782 (Philadelphia: David C. Claypoole, 1782), for which see JCC, 23:889; Evans, *Am. Bibliography*, no. 17,765; and Morris, *Papers* (Ferguson), 7:62.

Elias Boudinot to Lewis Pintard

My Dr. Sir,

Philadelphia Feby 12 1783

I have been detained so long in Congress that I have not time to write you but a few Words. Enclosed you have a Cypher,¹ which I

believe you will seldom use, as it is very troublesome—you write the Figures without any stops but a very small space to distinguish the number as thus 294 398 295 136 264 447 220.² I have recd. 2000 Dollars of Mr Alexander Fullerton in part of the purchase money for your House & have entered into an Agreemt. for the Conveyance. I have consulted Mr R & some friends about the Bank. The Interest last 6 months was 4½ Per Cent & will Increase—but the Capital being raised to 4 Millions, there are so many Shares to be sold by the public that a very intelligent Friend thinks that for one Year after Peace, the shares will not sell easily. Afterwards they may rise & be in demand. I therefore shall wait your further orders. Send me the Deed Per Post dated at the Time of Execution. I hope you will not feed out any of the Hay over the Stable, till the rest is all gone as it is the best Hay put there on purpose for the Summer & it is high Time the Stacks were taken off the mowing Ground. I recd. of Sammy £129.10 Sterl in full of Principal & Interest of his Note to Decr. 30, 1782 so that you can credited it accordingly. I recd a Letter lately from Trenton informing that you are blamed by the Legislature for not proceeding in your Appointmt³ & the Vice Presidt of the Council complains of your not answering a Letter he wrote you on the Head. I think you had best begin or resign.

Opportunities to Cadiz offer every Week—do let me hear of Lewis or what you may know abt him.

As I am pretty sure of Peace & that speedily, and I am confident it will not be prudent for you to go New Rochelle on Acct of the Banditti that will be strolling the Country for some time to come, and it will not do to be in New York till matters get settled, what think you of going into the House at Elizabeth Town, till you see how matters go, at least till Fall.

I recd Mr. Remsens Letter but have not time to answer it, but by next Post, I will inform myself with Certainty of the State of Things in N C and write him explicitly on the Head and on the other Matters he mentions. Mr. Mortons Papers are all either in the Pigeonholes, or in the Iron Chest, but he must be careful not to deliver up any of the Mortgages but only Jacob Lewis's Bond & Lord Stirlings Agreemt. I Can think of none others. But the Deed for the Land & the Bonds on payment of Ballance must first be made as you ought not to Trust the least. I wish him to wait at Baskinridge till next Post. Peace is greatly talked of here, and we are in hourly Expectation of certain News. By the York Paper of the 8th they had no News there. Love to all. Am Yours Afftly,

E B

RC (NjMoHP: Lloyd W. Smith Collection).

¹ Not found.

² Over these numbers Boudinot interlined the words "Knowledge is good."

³ That is, in his appointment as commissioner for settling New Jersey's Continental accounts, a post to which he had been nominated by superintendent of finance Robert Morris and approved by the New Jersey Assembly on May 22, 1782. See Livingston, *Papers* (Prince), 4:410–11.

Eliphalet Dyer to Thomas Shaw

Sir

Philadelphia Febry. 12th 1783

I receivd your favor of the 26th Ulmo. Can Assure you I have not been inattentive to your cause tho I have had many other Objects of Consequence to attend to, I heretofore Informed you¹ that I had procured an Engagement of a Court of Appeals to be held on the 8th of Novembr., there were then but 2 Judges one present at Philadelphia the other viz Mr Paca belonged to Mary-land. He agreed to the time of the Court & Engaged to attend at that time, to which Notice was given Genll Varnum came from Providence & made that long Journey on purpose but Alas Mr Paca was in Nomination for governor of Maryland, Election was drawing near, and he never came, and all was frustrated for that time. Then I procured the Court adjourned to sometime in January. Before that time Mr Paca resigned & Mr Lowel of Boston and a Mr Reed of Delaware State appointed. It was some time before Congress could be Ascertaind of their Acceptance, but we have no expectation Mr Lowell will make a Journey to Philadelphia. I early applied to Judge Griffin to write to Mr. Reed who lives but about 40 miles from this place & to adjourn the Court forward to a time at which he might hope Mr Reed would attend, but as yet hear Nothing from Mr Reed, I am Constantly applying to Judge Griffin on the Subject he has been always attentive to the business, I am pressing the matter, the necessity of a Tryal soon, as the Court at Rhodisland have notwithstanding Notice of a New Trial, persisted to give Judgment on the Bond, which Judgment they mean to persue. He has now engaged me himself to goe down, to Delaware State in a few days see Mr Reed himself & urge his attendance at least by the beginning of April, as I hope to set out for home sometime in that month, & every thing in that Court is so dilatory that I fear if I cannot succeed with all my Importunity, that if I leave it, it never will be done, I shall persue, & persue, to my Utmmost. Mr Wharton to whom you referr me is now at Baltimore, expect his return in a few days when shall apply for the £20.0.0 as I am in want enough, my tarry has been here so long, expences so great, the Supply from the State so small, that I fear I shall not be able with all to Clear out in the Spring. Hope I shall not fail to recieve the £20.0 at least. Congress are now every moment Intent on laying some sure fund at least for the Intrest of the Debts due from the United States on Loan office Certificates, & Other, we are fully Impressed with the Necessity of it, now is the time; by some late Accounts which are in the publick papers great expectations of a Peace are raised, so much all the merchts in this City are allarm'd and much perplexd, a few days must decide, as we expect direct accounts from Europe every day. I have not had time to goe to the Office & look over the papers but I think it is by the Evidence pretty well estab-

lishd that Coll Stanton & Noyce were employd by the State & under pay.

If any thing New in our part of the world wish you would inform me in your Next—and that you would pay Mr Green printer 5 or 6 dollars which I believe I owe him for my papers as it must be more than 2 Years since I paid him & desire him to forward my paper to me at this place by the post till the beginning of May.

Am Yr Hle Servt,

Eliphth Dyer

RC (CtY: Shaw Papers).

¹ See Dyer to Shaw, October 30, 1782.

William Floyd to Ezra L'Hommedieu

Dear Sir

Philadelphia Feby. 12th. 1783.

Congress for Some time past has had before them the Application from the Army through their Committee, but Difficulties have been Stated by Some Gentlemen which has (yet) prevented us Coming to Such a Determination on those Subjects, as in my opinion will do them Justice, or have any tendency to Satisfie them, But I am not out of hopes that these Gentlemen will Soon See the propriety of Agreeing to Such measures as will Effectually do it; for I find in the Course of Discursing this Business Gentlemen Seems to be Coming fast into a proper way of thinking to Answer that purpose, and I am in hopes that a few days will bring our minds so far Right, that we Shall be able to pass Resolutions that will be Addequate, If the States will But Carry them into Execution, the Grand Object is to Establish funds for the payment of the Interest of our Debt at home and abroad; if this Can be done the principle, or not much of it need be paid for many years, when these States will be, perhaps, five times as able to pay as they are at present, and it will be letting posterity Share in the Burdens, occasioned by the Revolution.

Chittendens Insolent answer to our Resolutions we have Received, it was Committed, they have not yet Reported. I wish you would give me the Information which you Related in your letter from Middletown Respecting Ethan Allen's publishing that Answer at Hartford and Distributing them, and the treatment, which Phelps and others have met with Since our Resolves Was Sent up to them, if the Governor in a Letter to us could give us the Information you mentioned, it would have an Influence on Congress against the vermontiers.

Mr. Hamilton and myself are waiting for Some matters of Consequence to get throug Congress, when we Shall write the Governor fully on all Interesting Matters.

We have no Certain news that peace is Concluded, But by Every

Information we Can Get, the probability is Increased, even to Such a degree that I have very Little Doubt left on that Subject.

I have this moment Recd. His Excellencys Letter of the 6th Instant which Contains the Information Requested.¹ I Shall make the best use I can of it; he does not mention Allens publishing and Distributing Chittendens Answer.

I wrote you a few Days Since² and Directed it to you at Kingston where I hope it will find you. In Some of the late papers you will See the news from which you will See the probability that a peace has taken place.

My Daughters are well and Desire their Respects to you.

From Sir your Most Obedt. and humble Servt.

Wm. Floyd

RC (Mr. Andrew Fiske, Shelter Island, N.Y., 1980).

¹ For the governor's February 6 letter, see Floyd to George Clinton, February 18, 1783, note.

² Not found.

John Taylor Gilman to Meshech Weare

Sir,

Philada. Feby 12th. 1783.

I Inclose you a News-Paper which Contains such information as we have here respecting Peace. Have no late Official accounts from Europe, nor any other information respecting this desirable Event, but what has been published in the News-Papers. The prevailing Opinion is, that Peace is nigh at hand, hope soon to be able to give you authentic information on the Subject.

Congress have been Engaged for some time past in devising a Mode for carrying into Effect a Valuation of Lands &c. agreeably to the Eighth Article of Confederation, but have not yet Compleated the business; a Variety of Objections present themselves to any Mode which has been thought of, but it is now in such forwardness that hope it may be soon Compleated.

Some Days since a Letter was received Dated Bennington Jany 9th 1783, Signed Thos. Chittenden and addressed to His Excellency the President of Congress.

This Letter is on the Subject of the Resolutions of Congress of the 5th December last (Copy of which I sent you). I should have sent you some Extracts from it, but am just informed that it has been printed in Connecticutt, and it is probable you will see it before this reaches you.

The matter of a Settlement with the Army remains the same as when I wrote you last.

I have the Honor to be, Your most Obedt. Servt.

John Taylor Gilman

RC (MHi: Weare Papers).

Samuel Holten to John Hancock

Dear Sir.

Philadelphia Feby 12th. 1783.

I have been honored with your attention of the 27th ultimo,¹ & it gave me sensible pleasure to hear your health was so much restored; my not being forgot by your Excellency & the Honble Council does me honor, & gives real satisfaction to an absent friend, who wishes he could make himself more worthy of your notice.

I have requested Mr. Morris to attend to the matters you was pleased to mention, but have not yet recieved his answer.² Mr. Osgood informs me Dr. Warren's bills are all settled & paid, excepting some acct. for the education of the eldest son, and that he is going to send on a sum of money to Dr. Warren; he also informs me that your Excellency made out no particular account of your expences while President of Congress, therefore the committee that had the matter under consideration reported to Congress, in proportion, the same sum that was allowed to Mr. Laurens, which, if my memory serves me, was 2000 dollars, but that some of the members of Congress were of opinion that the sum was inadequate to your expences & therefore Congress has not yet passed upon it.³

You are pleased to ask my opinion respectg your Loan office notes; I understand that Congress can't draw Bills on France for the interest, but are fully sensible that justice demands its being pd. & are endeavoring to procure funds for that purpose, and have called upon the states, some time since, for a certain sum of money to be appropriated for that use; any thing farther that I can do to serve your Excellency, in this or any other matters, will give me pleasure.

I must beg leave to refer your Excellcy to the newspaper inclosed for intelligence. The most important that respects European affairs has some credit here.

I have the honor to be, with the greatest respect, your Excellency's most obedient servant.

FC (DLC: Holten Papers). In the hand of Samuel Holten.

¹ A transcript of this letter is in the Sprague Miscellany, Peter Force Collection, DLC.

² Holten's draft of the note he wrote to Robert Morris on this subject, dated February 7, reads: "I have the honor of inclosing an extract of a letter lately receiv'd from Governr. Hancock, your attention to the same will lay me under obligations." Holten Papers, DLC.

³ For the settlement of Hancock's accounts as president of Congress, see Samuel Osgood to John Lowell, November 20, 1782, note 1; and Holten to Hancock, March 5 and April 1, 1783.

James Madison's Notes of Debates

Wednesday Feby. 12 [1783].

The declaration of Congs. as to Genl. Funds passed on January 29 appears on the Journals;¹ and Congress resolved itself into a Come. of the whole in order to consider the funds to be adopted & recommended to the States. On motion of Mr. Mifflin the impost of 5 PerCt. was taken into consideration. As it seemed to be the general opinion that some variations from the form in which it had been first recommended, wd. be necessary for reconciling the objecting States to it, it was proposed that the sense of the Come. should be taken on that head. The following questions were accordingly propounded:

Qu. 1. Is it expedient to alter the impost as recomme[n]ded on the day of 1781?²

Mr. Lee said the States particularly Virga. wd. never concur in the measure unless the term of years were limited, the collection left to the States, & the appropriation annually laid before them.

Mr. Wolcot thought the revenue ought to be commensurate in point of time as well as amount to the debt; that there was no danger in trusting Congs. considering the responsible mode of its appt. and that to alter the plan wd. be a mere condescension to the prejudices of the States.

Mr. Ghorum favored the alteration for the same reason as Mr. Lee. He said private letters informed him that the opposition to the impost law was gaining ground in Mas. and the repeal of Virga. would be very likely to give that opposition an ascendance. He said our measures must be accomodated to the sentiments of the States whether just or unreasonable.

Mr. Hamilton dissented from the particular alterations suggested, but did not mean to negative the question.

Mr. Bland was for conforming to the ideas of the States as far as wd. in any manner consist with the object.

On the Question the affirmative was unanimous excepting the voice of Mr. Wolcot.

Qu. 2d. Shall the term of duration be limited to 25 years?

Mr. Mercer professed a decided opposition to the principle of general revenue, observed that the liberties of Engd. had been preserved by a separation of the purse from the sword, that untill the debts sd. be liquidated & apportioned he never wd. assent in Congs. or elsewhere to the scheme of the Impost.

Mr. Bland proposed an alternative of 25 years, or until the requisitions of Congs. according to the Articles of Confedn. shall be found adequate. On this proposition The votes were of N. H. divd., R. I. no., Cont. no, N. Y. no, N. J no, Pa. no, Virga. ay, N. C. divd., S. C. ay.

On the main question for 25 years, it was voted in the affirmative.

Q. 3. Shall the appointment of Collectors be left to the States, they to be amenable to & under the Controul of Congs.? Ay; several States as N. Y. & Pa. dissenting.³

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:225–27.

¹ See *JCC*, 24:97–98, 126–27.

² That is, the 3d day of February 1781. *JCC*, 19:112–13.

³ These committee recommendations on the 5 percent impost were reported to Congress the next day. See Madison's Notes, February 13, 1783.

James Madison to Thomas Jefferson

My dear Sir

Philada. Feby. 12th. 1783.

I acknowledged yesterday by the post your two favors of the 30th ult. & 7th inst.¹ I add this by Col. Jameson just to inform you that your letter to the Secy. of F. A. has been referred to a Committee consisting of Mr. Jones, Mr. Rutledge & Mr. Wilson, who are to confer with Mr. Morris as Agent of Marine, and report to Congs. whether any and what remedy can be applied to your embarrassments. I made the first acquainted with the ideas suggested in your last letter, and he will take care to lead the attention of his Colleagues and of Mr. M. to them as far as may be requisite & proper. Mr. Livingston was not here when your letter to him came to hand, but he is now returned. I will take occasion to speak with him before the next post, and will give you the result as well as of the commitment of your letter, if any thing shall have come of it.² In the mean time accept of my unfeigned regards.

J. Madison Jr

RC (DLC: George B. McClellan Papers). Madison, *Papers* (Hutchinson), 6:228.

¹ Madison had actually acknowledged Jefferson's letters of January 31, not "the 30th," and February 7.

² For the "commitment" of Jefferson's February 7 letter to Robert R. Livingston, see Madison to Jefferson, February 11, note 2.

James Madison to James Madison, Sr.

Hon'd Sir

Philada. Feby. 12th. 1783.

Col. Jameson affords me an opportunity of writing which I cannot omit, although I have little more to say to you than that I hope you & the family may be as well as I am myself. I readily suppose from the reports prevalent here that some information on the subject of peace will be expected, & I wish it were in my power to gratify you. The truth is we are in nearly as great uncertainty here as you can be. Every day almost brings forth some fresh rumour, but it is so mingled with mercantile speculations that little faith is excited. The most favorable evi-

dence on the side of peace seems to be a material fall in the price of imported goods, which considering the sagacity and good intelligence of merchants is a circumstance by no means to be despised. A little time will probably decide in the case, when I shall follow this with something more satisfactory. In the meantime I remain Yr. affectionate son

J. Madison Jr.

[P.S.] Col. Zane lately sent an order on me for the books which I had drawn on you for, and for which you had the money ready.¹ If an oppy. offers I wish you to transmit him the payment.

RC (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:228–29.

¹ For Madison's purchase of books from Col. Isaac Zane, Jr., see Madison to Madison, Sr., March 30, 1782, note.

Oliver Wolcott to Oliver Wolcott, Jr.

Sir

Philadelpa. 12 Feb. 1783

I have no News but what you will find in the Papers. If the News from the West Indies respecting the Restoration of Peace be true, you will have it Ascertained before you will receive this out of N York, unless Mr Carlton shall chuse to suppress such an Information for a Short Time for some special Reasons.

You will let Me know the Result of the Deliberations of the G. Assembly—and the State of the Nominations.

Congress are Attempting to restore publick Credit by establishing Funds—if the publick shall fail of Obtaining the Imposts as one Means of restoring publick Credit it will not be done.

I have put the Matter of securing Copy Rights in train—and believe that it will be succesful.¹

The Peice in the Hartford Paper Signed Parnassus is well done as farr as it goes.²

Frederic I am informed is not in the best Situation for Improvment as there are Two Scholars belonging to the Room in which he lives who entertain more Company than is consistent with the Retirement Necessary for much Study—however he will suffer less by this kind of Interruption at this Period than at any other.³

You will let me know how my Family are. Sir, yr Most Obedt Servt,
Oliver Wolcott⁴

RC (CtHi: Oliver Wolcott, Jr., Papers).

¹ See Wolcott to Oliver Wolcott, Jr., January 29, 1783; and *JCC*, 24:180.

² Writing in the February 4 issue of the *Connecticut Courant*, "Parnassus" had opened a powerful attack on the Yale corporation which he continued through 11 additional essays which appeared through the May 27 issue of the *Courant*. For discussion of the controversy triggered by "Parnassus," who challenged the clerical control of the college and sought at least an equal voice for the Assembly in its management, see Sheldon S. Cohen, "The Parnassus Articles," *History of Education Quarterly*, 5 (September 1965):

174–86; and Edmund S. Morgan, *The Gentle Puritan: A Life of Ezra Stiles, 1727–1795* (New Haven: Yale University Press, 1962), pp. 349–56.

³ See Wolcott to Frederick Wolcott, February 19, 1783.

⁴ Wolcott also wrote a brief letter this day to his wife Laura, enquiring about the family's health and reporting that "I have inclosed some News papers to Dr Smith, which I have desird him to let you have. A few days must convince us wheather we are to have Peace or War." Oliver Wolcott, Sr., Papers, CtHi.

Elias Boudinot to Nathanael Greene

Dear Sir,

Philadelphia Feby 13th. 1783.

This moment being reminded that Major Edwards is just setting off for Charles Town, I am obliged to catch a Moment in Congress, to ask you how you do, and most heartily to congratulate you on the repossession of the important Post of Charles Town. You have reason to rejoyce on many Accounts, and I do assure you that every Friend of the united States has the greatest reason to join with you on so interesting an Occasion.

Many Letters from the west Indies, announce the prelimineries of Peace having been signed on or about the 10th of December last. I believe the next arrivals from Europe will bring us the good News.

We are deeply engaged in Congress, on the important Business of funding & securing the public Debts, in which the Pay of the Army is included. At the Instance of the nothern Army, we have also a Comutation for their half pay under Consideration.

Since writing the last Sentence, the King of England's Speech is arrived, and he say's "That provisional Terms are made with the *american Colonies*, to take Place when preliminaries with France are signed, which will be in a few Days."¹ Capt. Barré² is sent on to this Country with the News & is hourly expected.

The Business of Congress calls me from writing. Must beg that my best Compliments may be made acceptable to Mrs. Greene.

I am with great respect, Dr Sir, Your very Hble Servt,

Elias Boudinot

RC (CSmH: HM 22762).

¹ George III's December 5, 1782, speech before Parliament was printed in the February 15 issues of both the *Pennsylvania Journal* and the *Pennsylvania Packet*, under the dateline "New York. February 9, 1783."

² Boudinot apparently confused Capt. John Barry with Joshua Barney, whom Benjamin Franklin had commissioned to carry official peace dispatches to Philadelphia.

Alexander Hamilton to George Washington

Sir

Philadelphia, Feby. [13]¹ 1783

Flattering myself that your knowlege of me will induce you to receive the observations I make as dictated by a regard to the public

good, I take the liberty to suggest to you my ideas on some matters of delicacy and importance. I view the present juncture as a very interesting one. I need not observe how far the temper and situation of the army make it so. The state of our finances was perhaps never more critical. I am under injunctions which will not permit me to disclo[se] some facts, that would at once demonstrate this posi[tion] but I think it probable you will be possessed of the[m] through another channel. It is however certain that there has scarcely been a period of the revolution which called more for wisdom and decision in Congress. Unf[or]tunately for us we are a body not governed by reason [or] foresight, but by circumstances. It is probable we shall [not] take the proper measures; and if we do not a few [months] may open an embarrassing scene. This will be the ca[se] whether we have peace or a continuance of the war.

If the war continues, it would seem th[at] the army must in June subsist itself to *defend the* [country;] if peace should take place it *will* subsist itself to *pr[ocure] justice to itself*. It appears to be a prevailing opini[on in] the army that the disposition to recompence their s[ervices] will cease with the necessity for them: and that if they [once] lay down their arms, they part with the means of ob[taining] justice. It is to be lamented that appearances aff[ord] too much ground for their distrust.

It becomes a serious inquiry what is the true line of policy? The claims of the army urged with moderation, but with firmness, may operate on those weak minds which are influenced by their apprehensions more than by their judgments, so as to produce a concurrence in the measures which the exigencies of affairs demand. They may add weight to the applications of Congress to the several states. So far an useful turn may be given to them. But the difficulty will be to keep a *complaining and suffering army* within the bounds of moderation.

This Your Excellency's influence must effect. In order to it, it will be adviseable not to discountenance their endeavours to procure redress, but rather by the intervention of confidential and prudent persons *to take the direction of them*. This however must not appear: it is of moment to the public tranquillity, that Your Excellency should preserve the confidence of the army without losing that of the people. This will enable you in case of extremity to guide the torrent, and to bring order, perhaps even good, out of confusion. 'Tis a part that requires address; but 'tis one, which your own situation as well as the welfare of the community points out.

I will not conceal from Your Excellency a truth which it is necessary you should know. An idea is propagated in the army that delicacy carried to an extreme prevents your espousing its interests with sufficient warmth. The falsehood of this opinion no one can be better acquainted with than myself, but it is not the less mischievous for being false. Its tendency is to impair that influence, which you may

exert with advantage, should any commotions unhappily ensue, to moderate the pretensions of the army and make their conduct correspond with their duty.

The great *desideratum* at present is the establishment of general funds, which alone can do justice to the Creditors of the United States (of whom the army forms the most meritorious class), restore public credit and supply the future wants of government. This is the object of all men of sense; in this the influence of the army, properly directed, may cooperate.

The intimations I have thrown out will suffice to give Your Excellency a proper conception of my sentiments. You will judge of their reasonableness or fallacy; but I persuade myself you will do justice to my motives.

I have the honor to be, With great respect, Your Excellency's Most Obedt servt.
Alex Hamilton

[P.S.] General Knox has the confidence of the army & is a man of sense. I think he may be safely made use of. Situated as I am Your Excellency will feel the confidential nature of these observations.²

RC (DLC: Washington Papers). FC (NN: Miscellaneous Folders). In the hand of Alexander Hamilton.

¹ This date is taken from Hamilton's endorsement on the FC ("To His Excellency General Washington, Feby. 13t. 1783"); he left a large space blank between the month and year in both his draft and the RC. Washington endorsed the latter "From Alexr. Hamilton Esq. ——— Feby. 1783," and he referred to it simply as "your favor of February" in his March 4 response to Hamilton. Washington, *Writings* (Fitzpatrick), 26:185–88. John C. Hamilton, the editor of the first edition of Hamilton's papers, inserted a "7" in the space between the month and year in the RC, over which someone later penned "13," undoubtedly after having seen Hamilton's draft. John C. Hamilton's "7" probably derived from his misreading of the superscript "y" of the "Feby." in Washington's endorsement, which resulted in the publication of the letter under that date in both his and the Lodge editions of Hamilton's papers, as well as in Edmund C. Burnett's edition of delegate letters. See *The Works of Alexander Hamilton*, ed. John C. Hamilton, 10 vols. (New York: John P. Trow, 1850), 1:327–29; *The Works of Alexander Hamilton*, ed. Henry Cabot Lodge, 12 vols. (New York: G. P. Putnam's Sons, 1904), 9:310–13; and Burnett, *Letters*, 7:33–35. The matter is of considerable interest because Hamilton's failure to date it undoubtedly reflected a measure of his uncertainty in the use he would make of the letter—one in which he presumed to advise the commander in chief on preserving "the confidence of the army without losing that of the people" on the eve of what historians have come to label the "Newburgh Conspiracy." It was not properly dated until the appearance of the Syrett edition of Hamilton's papers in 1962, which mistakenly asserts that the RC was actually dated "Feb 13th" by Hamilton. Hamilton, *Papers* (Syrett), 3:253–55.

² For another expression of Hamilton's views on the worsening "Situation of the army," voiced during a subsequent evening meeting with a number of delegates, see James Madison's Notes of Debates, February 20, and note 7.

The "confidence of the army" in Gen. Henry Knox is also reflected in a number of letters to him written from Philadelphia to keep him abreast of the congressional response to the army's demands during this critical period, which are in the Knox Papers, MHi (DLC microfilm). Of special interest are letters from Gouverneur Morris dated February 7 and 28; from baron Steuben dated February 25; and from Gen.

Alexander McDougall dated January 9, February 8, 18, and March 15 (plus two dated February 12 and 27 signed "Brutus"), for which see also Morris, *Papers* (Ferguson), 7:412-20, 471, 480.

Arthur Lee to Benjamin Harrison

Sir, Philadelphia Feby. 13th. 1783

The Delegates have thought proper to send an Express to your Excellency with the Speech enclosd,¹ as well to furnish you as speedily as possible with so interesting a peice of intelligence, as to enable you to shield our fellow-Citizens from the effects of speculation upon the Staple of our Country.

Congress have receivd no other Advices, but expect them hourly.

Your Excellency will have the goodness to furnish the Express with money for his return.

I have the honor to be, with the greatest respect, yr Excellency's most Obedt. & most Humb Servt,

Arthur Lee

RC (PHi: Dreer Collection).

¹ For George III's December 5 speech before Parliament, see Elias Boudinot to Nathanael Greene, this date, note 1.

James Madison's Notes of Debates

Thursday Feby. 13th [1783].

The Grand Come. report to Congs. the alterations yesterday agreed on with respect to the 5 PerCt. Impost.¹

The deputy Secy. at War reported to Congress the result of the enquiry directed by them on the day of ² into the siezure of goods destined for the British Prisoners of war under passport from Genl Washington. From this report it appeared that some of the Siezors had pursued their claim under the law of the State & that in consequence the goods had been condemned & ordered for sale. The papers were referred to a Come consisting of Mr. Rutledge, Mr. Ghorum & Mr. Lee, who after havg. retired for a few moments reported, that the Secy at War should be authorised & directed to cause the goods to be taken from the places where they had been deposited, to employ such force as wd. be sufficient, and that the Duke de Lauz[un] whose Legion was in the neighborhood, should be requested to give the Secy. such aid as he might apply for.³

This report was generally regarded by Congs. as intemperate, and the proposed recourse to the French Legion as flagrantly imprudent. Mr. Hamilton said that if the object had been to embroil this Country wth. their allies the expedient would have been well conceived.⁴ He

added that the exertion of force would not under these circumstances meet the sense of the people at large. Mr. Ghorum sd. he denied this with respect to the people of Massachusetts.

Mr. Lee on the part of the Come. said that the D. de Lauzun had been recurred [to] as being in the neighbourhood & having Cavalry under his Command which would best answer the occasion; and that the report was founded on wise & proper considerations.

Mr. Mercer, Mr. Williamson, Mr. Ramsay & Mr. Wilson & Mr [Madison] strenuously opposed the Report, as improper altogether as far it related to the French Legion, and in other respects so until the State of Pa. sd. on a summons refuse to restore the articles seized.

Mr. Rutledge with equal warmth contends for the expediency of the measures reported.

Mr. Mercer & Mr. M[adison] at length proposed that Congress sd. assert the right on this subject & summon the State of Pena. to redress the wrong immediately.⁵ The Report was recommitted, with this proposition & Mr. Wilson & Mr. Mercer added to the Come.

The Speech of the K. of G. B. on the 5th Dcr. 1782. arrived & produced great joy in general except among the Merchts. who had great quantities of merchandise in Store the price of which immediately & materially fell. The most judicious members of Congs. however suffered a great diminution of their joy from the impossibility of discharging the arrears & claims of the army & their apprehension of new difficulties from that quarter.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:229–31.

¹ See Madison's Notes, February 12; PCC, item 149, 2:229–32; and *JCC*, 24:128n.

² That is, 24th day of January, for which see Madison's Notes, January 24, 1783.

³ Although Nathaniel Gorham's committee report did indeed recommend the use of military force to recover the goods seized from the *Amazon*, there is no explicit mention of Lauzun's legion in it. See PCC, item 149, 2:241; and *JCC*, 24:128n.

⁴ At this point Madison inserted an asterisk to which he keyed the following note: "This was an oblique allusion at _____ whose enmity to the French was suspected by him &c." In the space left blank, Madison later inserted "Mr. Lee."

⁵ See Madison's Notes, February 20, 1783, note 4.

James Madison to Thomas Jefferson

Dear Sir

Philada. Feby. 13th. 1783.

The Chevr. de la Luzerne having just given me notice that he shall send an Express to the Romulus in $\frac{1}{2}$ an hour, I sieze the opportunity of inclosing a copy of the British Kings Speech which presages a speedy establishment of peace. What effect this circumstance may have on your mission is at present uncertain. For myself I cannot think that any thing short of a final & authentic ratification ought to be listened to in that view. But I am told that it is the opinion of Mr. Morris that no ves-

sel will sail from any American port whilst the critical uncertainty continues. Whether any & what changes may be produced in the orders to the Romulus will be known from the Commander.

Adieu,

J. Madison Jr.

RC (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:231–32.

James Madison to Edmund Randolph

My dear Sir

Philada. Feby. 13th. 1783

I heartily congratulate you on the dawn of peace presented in the inclosed paper.¹ Apprehending that the commercial sagacity of this & intervening places, may sieze the crisis to speculate on the Staple of Virga., we have judged it prudent to despatch a messenger with the intelligence to the Government.² Private letters will also scatter it along the road.

I will not damp your joy by dwelling on prospects which have that tendency; but it will not be improper to hint to you, that there is much reason to believe that the {cloud, which has been some time lowering on}³ the {North River⁴ will not be dispeled by the rays of peace}. The opinion seems to be {well founded that} the {arms which have} secured the {liberties of their country will not} be {laid down until justice} is {secured to those who have wielded them and that dangerous convulsions} would be {hazarded by orders} for that purpose. I have not time to add more at present.

Farewell,

J .M.

RC (DLC: Madison Papers). Madison, *Papers* (Hutchinson). 6:232–33.

¹ Undoubtedly a copy of George III's December 5 speech before Parliament, for which see Elias Boudinot to Nathanael Greene, this date, note 1.

² See Arthur Lee to Benjamin Harrison, this date.

³ Words printed in cipher in this text were written by Madison in a cipher supplied by Randolph.

⁴ That is, among the troops of Washington's main army stationed at Newburgh, N.Y., on the Hudson, or North, River.

John Montgomery to Robert Magaw

Dear Sir

Philada 13th Feby 1783

I Congratulate on the Pleasing Prospect of Peace which I am perswaded is agreed too before this. You have the Kings Speech which arrived here this morning from New York. We Exspect a farther Confirmation of this great news by Capt Barry who we are Evry day Exspecting from France. Amirrica will be free and I have reason to belive that the terms of pease for us will be favourable. Poor torris must now

hang thire heads. The day is now Come when the Sun will Raise on Amirrica never to Set. I look forward with Pleasure to the happy days that our Children will see.

I am my Dear Sir your asurd Frind and Humbl Servt,
John Montgomery

RC (PHi: Lamberton Scotch-Irish Papers).

Richard Peters to Anthony Wayne

Dear Sir,

Philadelphia Feby 13th. 1783

I recieved your Letter by Capt Davis & bear your Reproaches with that philosophic Patience a Consciousness of deserving them induces. I am not however so much to blame as you concieve for I have wrote you 3 or 4 Letters¹ which some Gulph has swallowed up for you cannot have received them & it is not uncommon to me to have Letters interrupted or intercepted in a strange Manner. I am sorry to percieve by your Letter that your Mind is not at Ease. It must be owing to the villainous Disorder you complain of & not to the Situation of your private Affairs or military Fame. I am sure your Southern Expedition has to my very great Satisfaction added to both. The eccentric Promotion you talk of ought not to fill you with so much Resentment as you seem to express. These Things will happen in all Governments & it is not to be expected that our Affairs should be singularly perfect. I know you will smile at these Epithets recollecting how little Danger there is in this respect. All I can say to your Smile is that I had rather you should laugh than complain. I do not think that Character is to be measured by Rank & the Time is approaching when the former will weigh heavy when the latter will if unconnected with its proper Companion be light in the Ballance. Both together will form a solid Column which will carry you with Ease thro' any Difficulties. You ought then to be contented & not let "*the cruel something unpossessed*" "*corrode & leven all the rest.*"²

I am so exceedingly didactic this Morning that I know you will suspect me of having been drunk last Night. You will not be quite wrong tho' possibly you may lay too much of my Sobriety to this Account.

I have no News to communicate to you. To tell you I love you is none. As to the Rumours we have about Peace they are too undecided to trouble you with them. Yet I firmly believe this Event will take Place & as I expect no Promotion nor have I any Goods on Hand to fall in their Price I most heartily wish your Sword may be turned into a Plough Share.

I am with the most sincere Esteem, Yours, Richard Peters

[P.S.] Mrs. Peters has been busily engaged in recruiting my regiment (*the Bounty &c of my own furnishing*) so that we now muster four.³ You see how much I have gained by the War.

RC (PHi: Wayne Papers).

¹ Not found.

² Matthew Prior, "The Ladle," 11. 165–66. *The Literary Works of Matthew Prior*, ed. H. Bunker Wright and Monroe K. Spears, 2 vols. (Oxford: The Clarendon Press, 1959), 1:207.

³ Thomas Peters, the fourth child of Richard and Sarah Robinson Peters, was born in November 1782. Nellis Peters Black, *Richard Peters, His Ancestors and Descendants* (Atlanta: Foote & Davies Co., 1904), p. 118.

Alexander Hamilton to George Clinton

Sir, Philadelphia, Feb'y 14th, 1783.

In a letter which I wrote lately to General Schuyler,¹ I informed him of the import of the answer from Vermont, and what had been done with it in Congress. The Committee to whom it was referred have not yet reported; but I have little expectation of decision.

Congress have been for some time employed on matters of the 1st importance, devising a plan for carrying the 8th Article of the Confederation into execution, and for funding all the debts of the United States. General principles with respect to the 1st object have been agreed upon, and are referred to a Committee to be digested into form. The plan is crude, and will be opposed in its last stage, but perhaps it will be adopted by a majority. With respect to funds we have made little progress, and from the turn of the debates, I have not sanguine hopes of proper measures. Whenever any thing has been matured it will be communicated to the State.

I congratulate your Excellency on the strong prospect of peace which the late speech of the British King affords. I hope the conclusion of the war may not be the prelude of civil commotions of a more dangerous tendency. It is to be suspected the Army will not disband, till solid arrangements are made for doing it justice; and I fear these arrangements will not be made.

In this position of things it will be wise in the State of New York to consider what conduct will be most consistent with its safety and interest. I wish the Legislature would set apart a tract of territory, and make a liberal allowance to every officer and soldier of the Army at large who will become a citizen of the State. A step of this kind would not only be politic in the present posture of affairs, but would embrace important future consequences. It is the first wish of my heart that the Union may last; but feeble as the links are, what prudent man would rely upon it? Should a disunion take place, any person who will cast his eye upon the map will see how essential it is to our State to provide for its own security. I believe a large part of the Army would incline to sit down among us, and then all we shall have to do will be to govern well.

These are loose but important ideas. I wish they may occur with their

full weight to those who have it in their power to turn them to account. At present I mean them merely for your Excellency's consideration.

I have the honor to be Yr. Excellency's most obedt. servt.

A. Hamilton

This letter by mistake has been delayed.

Reprinted from Hamilton, *Papers* (Syrett), 3:255–56.

¹ Not found.

James Madison's Notes of Debates

Friday Feby. 14 [1783].

Mr. Jones, Mr. Rutledge & Mr. Wilson to whom had been referr'd on Teusday last a letter from Mr. Jefferson stating the obstacles to his voyage,¹ reported that they had conferred with the Agent of Marine who sd. there was a fit vessel already for sea in this port, but was of opinion the arrival of the British King's Speech would put a stop to the sailing of any vessels from the ports of America untill something definitive should take place; and that if Congress judged fit that Mr. Jefferson sd. proceed immediately to Europe it would be best to apply to the French Minister for one of the Frigates in the Chesapeake. The general opinion of Congs. seemed to be that under present circumstances he sd. suspend his voyage untill the further orders of Congs. and on motion of Mr. Ghorum seconded by Mr. Wolcot the Secy. of F. A. was accordingly without opposition directed to make this known to Mr. Jefferson.²

The Report of the Come. for obtaining a valuation of land was made & considered.³

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:233–34.

¹ For Thomas Jefferson's February 7 letter to secretary for foreign affairs Robert R. Livingston, which had been referred to Congress on February 11, see Madison to Jefferson, February 11, 1783, note 2.

² See *JCC*, 24:132. For Secretary Livingston's letter of this date enclosing this resolution to Jefferson, see *ibid.*, pp. 239–40.

³ See *JCC*, 24:129–32. For the appointment of this committee, see Madison's Notes, February 11, 1783.

James Madison to Thomas Jefferson

Dear Sir

Philada. Feby. 15th. 1783.

The Committee, to whom was referred your letter to Secretary Livingston, reported to Congress yesterday that they had conferred with Mr. Morris who was of opinion that no vessel would sail from american ports after the arrival of the British King's speech until the suspen-

produced by it should be removed, and that if your immediate embarkation was still wished by Congress it would be proper to obtain for that purpose a Frigate from the Chevr. de la Luzerne. He informed the Committee that there was a fit vessel in this river which wd. have sailed for France but for the prospect of peace afforded by the Speech; and which I suppose will still proceed if that prospect should fail. The effect of this information to Congress and of a request from the Committee to be instructed on the subject was, a resolution directing the Secy of F. A. to acquaint you that it was the pleasure of Congress, considering the present situation of things, that you should suspend your voyage until their further instruction.¹ This resolution will I suppose be forwarded by the post which conveys this.² I do not undertake to give any advice as to the steps which may now be proper for you; but I indulge with much pleasure the hope that a return to this place for the present may be the result of your own deliberations.

I am Dear Sir with sincerity Yr friend & servt.

J. Madison Jr.

RC (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:242.

¹ See the preceding entry.

² See Jefferson, *Papers* (Boyd), 6:239–40.

Benjamin Hawkins to Oliver Pollock

Dear Sir,

Mrs. Houses 17th February 1783

You must excuse my urging you to pay the draught in favour of our friend—Mr Nash.¹ I am really suspicious he will think us inattentive to his interest in this matter: as I well know, from your letter of the 13th of December he made not the least doubt of received the money in January and on the faith of it, took up four hundred dollars at 5 per cent per month.

I hope you will think with me; that it is but just, you should pay the interest accruing on this loan from the 1st instant till paid.

I am with due regard and esteem, Dear Sir, Your most obedient & humble servt.

Benjamin Hawkins

RC (DLC: Pollock Papers).

¹ See William Blount to Pollock, December 26, 1782, note 1.

James Madison's Notes of Debates

Monday Feby. 17 [1783].

The report respecting a valuation of land being lost as appears from the Journal, it was revived by the motion of Mr. Dyer seconded by Mr.

Mercer as it stands, the appointment of Commissrs. for adjusting the quotas, being changed for a grand Committee consisting of a delegate present from each State for that purpose.¹

A motion was made to strike out the clause requiring the concurrence of nine voices in the report to Congress; and on the question shall the words stand? the States being equally divided the clause was expunged. It was thereafter reconsidered & reinserted.²

The whole report was agreed to with great reluctance by almost all, by many from a spirit of accomodation only, & the necessity of doing something on the subject. Some of those who were in the negative particularly [Mr. Madison] thought the plan not within the spirit of the Confederation, that it would be ineffectual, and that the States would be dissatisfied with it.

A motion was made by Mr Hamilton 2ded. by Mr. Fitzimmons to renew the recommendation of Feb'y 1782³ for vesting Congress with power to make abatements in favor of States part of which had been in possession of the Enemy. It was referred to a committee.⁴

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:247–48.

¹ See *JCC*, 24:133–37.

² The proceedings on this point were not recorded by Secretary Thomson in the journals.

³ That is, 20 February 1782, for which see *JCC*, 22:83–86; and Hamilton, *Papers* (Syrett), 3:250–51, 259–60.

⁴ For the report of this committee, see Madison's Notes, February 26, 1783.

Hugh Williamson to James Iredell

Dear Sir:

[February 17, 1783]¹

Have you fixed upon any place for our academy—are any subscriptions made for that institution?² On the moment we have peace we should begin the building. Be so good as to inform me whether any steps are taken in that business. I have been importuned by the friends of sundry gentlemen to engage them as teachers; this I could not do for the want of a house to teach in. I observe what you say of Mrs. Dawson's proposing to send her son on in the spring. I fear her affections are not much weaned from him in the course of the last twelve months, and the former affection will operate. Is it not clear that virtue consists in a medium? You see that even maternal affection, which is so necessary, and in that lady so conspicuous, hardly escapes the suspicion of being a fault. I am glad that you can only say *you have been sick*. I have written to General Benbury a long letter, and to Mr. Allen a short one, respecting some improvements for the extension of our commerce on the Peace Establishment.³ I presume you will support those measures, provided you approve of them. By the education of our youth, and improvement of our commerce, and by these means alone, can we save our State from obscurity and debility.

For more than four weeks have we been constantly engaged in attempting to establish public funds, or fix a scale for settling the quotas of the different States. To-day we have agreed in one resolution,⁴ which the Southern States have carried with great difficulty; it is not so good as we wished, but the best we could get, for valuing the lands and their improvements, according to the Confederation. I believe we failed in twenty different plans before we fixed on one. I shall show you the Journal on the next month, which will explain some part of this business.

The framers of our Confederation, with reverence be it said, were not infallible. Congress have reserved the power of making treaties; those treaties include the relations of commerce, and yet Congress has not reserved any power over commerce. We borrow money, and have not the means of paying sixpence. There is no measure, however wise or necessary, that may not be defeated by any single State, however small or wrong-headed. The cloud of public creditors, including the army, are gathering about us; the prospect thickens. Believe me, that I would rather take the field in the hardest military service I ever saw, than face the difficulties that await us in Congress within a few months. I have fervently desired peace. Whoever my successor may be in the delegation, I shall not envy his station. I shall wish him as much diligence, a little more patience, and a great deal more political knowledge.

Be pleased to present my respects, &c., and believe me to be, with the utmost regard, Dear Sir, Your obedient humble servant,

H. W. Williamson.

MS not found; reprinted from McRee, *Iredell Correspondence*, 2:38–39.

¹ This date has been determined from Williamson's reference to a congressional resolve for "settling the quotas of the different States . . . [adopted] To-day," for which see note 4.

² A reference to Smith's Academy, which had recently been provided for in the will of North Carolina merchant Robert Smith, and for which Williamson and Iredell were trustees. See Iredell, *Papers* (Higginbotham), 2:331–32, 341, 441–42.

³ These letters to Thomas Benbury and Nathaniel Allen have not been found.

⁴ For this February 17 resolution on the valuation of land in the states for determining Continental fiscal quotas, see *JCC*, 24:133–37.

Theodorick Bland to St. George Tucker

Dear Tucker

Philada. Feby. 18th 1782 [*i.e.*, 1783]¹

I have waited some time impatiently in hope of receiving a letter from you, as well on acct. of the Interest I have in the welfare of yourself an[d] Family, as other considerations—however I see from experience that were I not to break the Ice on my part my Friends in Virginia wd. observe an eternal Silence. You will have heard the reports

of a Peace—we have got the King of G. Britains speech from the W.I. which you will have in the Virga. Papers no doubt, or receive before this comes to hand, or I wd. send it to you. We are still in doubt about the Signature of [the] Preliminary Articles but a few days will clear it up. I send you to days Paper.

Let me know if Dr. Foushee deliverd to you my Certificates—one a Civil list Certificate—the other an officers—if the Sheriff took the latter—if so I shd. be glad you wd. obtain money for me for the former (viz the Civil list Certife.). I shd. also be glad to hear whether you have done any thing with the land &c. &c. &c. God Bless you, the post is just going out. My love to Fanny &c. &c.—adieu,

Theok Bland

RC (ViW: Tucker-Coleman Papers).

¹ Given his references to George III's speech and the preliminary articles of peace, it is clear that Bland inadvertently misdated this letter. Moreover, February 18 was "post" day in 1783, but not 1782.

Elias Boudinot to Lewis Pintard

My dear Sir,

Philadelphia Feby 18th 1783.

Your Deed came safe to hand. I have recd 2000 Dollars in part, and shall pursue your Instructions as to the whole. Peace is undoubtedly concluded. The King of Brittain's Speech is full & explicit—you have no doubt seen it, e'er this. Mr. Townshends Letter is also to the Purpose. The Nantz Vessel could not bring any News, as notwithstanding what is said in the Papers, she could not bring News from Nantz later than the 14t or 15t Decr. & it is 150 Miles from Paris, so that the report of the final Treaty being signed on the 13 Decr may be true. I now wish you had resigned your Appointment long ago, or proceeded in it, as I am afraid you will be much blamed, unless you can put it altogether on the Opposition made to your proceeding by the People in general, and be very explicit on this particular, in your Letter to Mr. Morris, and also in one to the speaker of the Assembly, to whom you must also write very particularly.

I am clear it will not do for you to go to New Rochelle till Matters subside a little after a Peace—you will be too much exposed, and I am apprehensive that the Country will be dangerous, at the first disbanding of the Army. I wish to know your determination as I must either rent the House again, or immediately give notice to the Tenant to leave it by a given day.

I wish you would hire some person to repair the Fences about the Hermitage, especially to secure the Meadow. Must beg you to send me some very good Beet & Carrott Seed, as there are none good here.

I hope in my next, to send you a Confirmation of the Peace at large.

If Mr Remsen is not gone, tell him I wrote him last week by an Express going to Boston—have since wrote him,¹ supposing he was at Freehold. There is the greatest Encouragement for him at N.C. and as he will be here the Middle of March, he can know the particulars. We had the News Martin brought, before he arrived, but am much obliged for your Attention.

Love to all Friends. Am in great Haste.

Yours Affly,

E B

RC (MWA: U. S. Revolution Collection).

¹ Neither of these letters has been found.

William Floyd to George Clinton

Sir,

Philadelphia Feby 18th 1783.

I have been honoured with your Excellencies Letter of the 6th Instant by Mr. Livingston,¹ and am much obliged for the Information you gave me Respecting the Business before our Legislature; And also for the Information Reporting the Conduct of the people on the Grants.

Chittenden's Answer to the Resolves of Congress is with a Committee, to whom I have Communicated the Information Contained in your Excellencie's Letter. I shall Endeavour to make the most of it. At this time a Majority of Congress seems to be of Different Sentiments Respecting those people from what they were Last winter; three States who were in their favour then, are now against them, yet seem to be afraid to Declare against them so pointedly as I could wish.

As soon as the Committee Reports, and Congress Decides thereon, what ever their Decision may be, I shall without Loss of time, Advise your Excellency thereof, in order that if it should not be so much in our favour as we could wish, our State may have the Earliest opportunity of taking their own measures.

It still appears clear to me that a Compromise with New Hampshire will be a very proper step to be taken and I do hope that our Legislature will before they Rise, do the needful on that Subject, to meet the wishes of New Hampshire as Communicated in their Letter to your Excellency last Summer.

Before this Reaches you, I have no Doubt that you will have Recd the Speech of the King of Britain, which tho it does not tell us that a general peace has taken place, yet it holds out the Greatest probability that it has taken place long before this day, and hence we may Conclude that in the month of April we may again be in possession of our Capital (a most Desireable Event to the Refugees of our State). We are in hourly Expectation of a full and an Official Confirmation of the News of peace, tho there still Remains a possibility that it may not happen, which holds us in a very disagreeable State of Suspence.

Congress have for sometime been Endeavouring to Devise some mode for Establishing funds for the payment of the Interest of All the Debts Due from those States, and altho it is very Discouraging, to Attempt a Business of that Kind after knowing the Backwardness of some of the States to Comply with anything that will have that effect, Congress are Determined, to, so far do their Duty, as to point out our Situation And what appears to be the most proper measures to be taken under those Circumstances, and if the States will not on their parts, do what is necessary for the Restoration of public Credit and the doing of Justice, the fault will be with them and not with us.

The Impost of five per Cent with some variation will again be Recommended and I believe some others of a similar Nature. The Necessity and propriety of them we shall Endeavor to Impress on the States. We have Yesterday passed Resolutions Attempting to Carry in Effect the Eighth Article of the Confederation, and as they are passed, they are Disagreeable to me, for I think they will not Opporate Justly for our State which has been so long, so much, in the power of the Enemy, but they were Carried against us by a great Majority. I expect they will be transmited to the several States with some other Matters now under Consideration as soon as they are Determined on.

I am Sorry to be under the necessity of mentioning to your Excellency anything that Relates particularly to my Self, Tho two hundred pounds which your Excellency forwarded me through Colo. Hay I have Recd and it is Expended, and as I do not Expect I can goe from here till some time in April, it will be absolutely Necessary that I have about one hundred and fifty pounds to Remove me from this place to My place of Aboad. I wrote to Mr. Lhommedieu that I thought one hundred would Carry me to April, But I am now fully Convinced it will not; therefore, must Beg your Excellencie's Interposition in my favour for the above sum. But if it should so happen that I cannot be furnished with the means for my Expenses, I will be much obliged to your Excellency to Notify me as soon as possible, that I may get from this Expensive place before I am too far Involved.

My daughters are in good health and wish their Compliments to yourself Mrs. Clinton and the Children.

From, Sir, your most Obedt and humble Servt. Wm. Floyd

Reprinted from Clinton, *Papers* (Hastings), 8:73-76.

¹ For Governor Clinton's February 6 letter to Floyd, see *ibid.*, pp. 63-65.

James Madison's Notes of Debates

Teusday. Feby. 18 [1783].

Come. of the whole on the subject of genl. funds. Mr. Rutledge & Mr. Mercer proposed that the Impost of 5 PerCt. as altered & to be

recommended to the States,¹ should be appropriated exclusively, first to the interest of the debt to the army & then in case of surplus to the principal. Mr. R. urged in support of this motion that it would be best to appropriate this fund to the army as the most likely to be obtained as their merits were superior to those of all other Creditors, and as it was the only thing that promised, what policy absolutely required some satisfaction to them.

Mr. Wilson replied that he was so sensible of the merits of the army that if any discrimination were to be made among the public creditors, he should not deny them perhaps a preference, but that no such discrimination was necessary, that the ability of the public was equal to its whole debt, and that before it be split into different [descriptions,]² the most vigorous efforts ought to be made to provide for it entire. That we ought first at least to see what funds could be provided, to see how far they would be deficient, and then in the last necessity only to admit discriminations.

Mr. Ghorum agreed with Mr. Wilson. He said an exclusive appropriation to the army, would in some places be unpopular and would prevent a compliance of those States whose Citizens were the greatest Creditors of the United States; since without the influence of the public creditors the measure could never be carried through the States, and these if excluded from the appropriation would be even interested in frustrating the measure, & keeping by that means their cause a common one with the army.

Mr. Mercer applauded the wisdom of the confederation in leaving the provision of money to the States, said that when this plan was deviated from by Congress, their objects should be such as were best known & most approved; that the States were jealous of one another, & wd. not comply unless they were fully acquainted with & approved the purpose to which their money was to be applied, that nothing less than such a preference of the army would conciliate them, that no Civil creditor would dare to put his claims on a level with those of the army, and insinuated that the speculations which had taken place in loan office certificates might lead to a revision of that subject on principles of equity, that if too much were asked from the States they would grant nothing. He said that it had been alledged that the large public debt if funded under Congress would be a cement of the confederacy. He thought on the contrary it would hasten its dissolution; as the people would feel its weight in the most obnoxious of all forms that of taxation.

On the question the States were all no except, S. Carolina which was ay.³

A motion was made by Mr. Rutledge 2ded by Mr. Bland to change the plan of the impost in such a manner as that a tariff might be formed for all articles that would admit of it, and that a duty ad valorem sd. be collected only on such articles as would not admit of it.⁴

In support of such an alteration it was urged that it would lessen the opportunity of collusion between collector & importer, & would be more equal among the States. On the other side it was alledged that the States had not objected to that part of the plan, and a change might produce objections that the nature & variety of imports would require necessarily the collection to be advalorem & on the great part of them, that the forming of a book of rates⁵ wd. be attended with great difficultes & delays, and that it would be in the power of Congress by raising the rate of the article to augment the duty beyond the limitation of 5 PerCt. and that consideration would excite objections on the part of the States. The motion was negatived.

A motion was made by Mr. Hamilton 2ded by Mr. Wilson; that whereas Congress were desirous that the motives & views of their measures sd. be known to their Constituents in all cases where the public safety wd. admit, that when the subject of finances was under debate the doors of Congs. sd. be open. Congs. adjourned it being the usual hour & the motion being generally disrelished.⁶ The Pa. delegates said privately that they had brought themselves into a critical situation by dissuading their Constituents from Separate provision for Creditors of U.S. within Pena. hoping that Congr. wd. adopt a general provision, and they wished their Constituents to see the prospect themselves & to witness the conduct of their Delegates. Perhaps the true reason was, that it was expected the presence of public creditors numerous & weighty in Philada. wd. have an influence & that it wd. be well for the public to come more fully to the knowledge of the public finances.

Letter red. from Wm. Lee at Ghent notifying the desire of the Emperor to form a commercial treaty with U.S. & to have a residt. from them.⁷ Comd. to Mr. Izard, Ghorum & Wilson.⁸

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:249–52.

¹ See Madison's Notes, February 12, 1783.

² Madison added this word at a later date.

³ At this point Madison inserted an "x" to which he keyed the following note: "Virga. Mr. Jones, Mr. Madison, Mr. Bland no. Mr. Lee, Mr. Mercer, ay."

⁴ See JCC, 24:140–41; and PCC, item 136, 2:25.

⁵ For the "Book of rates" Madison had included in his January 23 "List of Books to be imported for the use of Congress," see Madison, *Papers* (Hutchinson), 6:92, item 192.

⁶ See JCC, 24:140; and PCC, item 21, fol. 337. Years later Madison made the following observation on the necessity for sitting within closed doors. "It was necessary for the old Congress to sit with closed doors, because it was the executive as well as legislative body; names of persons and characters came perpetually before them; and much business was constantly on hand which would have been embarrassed if it had gone to the public before it was finished." Madison, *Papers* (Hutchinson), 6:252n.14.

⁷ William Lee's March 31, 1782, letter from Brussels rather than Ghent to Secretary Robert R. Livingston, reporting that "It has been mention'd, to me by a Gentleman in the Government here, that the Emperor is disposed to enter into a commercial treaty with America," is in PCC, item 90, fols. 539–42; and Wharton, *Diplomatic Correspondence*, 5:291–92.

⁸ See Secretary Thomson's "Dispatch Book," PCC, item 185, 3:54. In his "Committee Book," Thomson also recorded that the committee was "Renewed" on July 23, with Stephen Higginson and Richard Peters replacing Gorham and Wilson, and that the committee was "Discharged Sept 29th" before submitting a report. See PCC, item 186, fols. 84, 113.

James Madison to Thomas Jefferson

Dear Sir

Philada. Feby. 18th. 1783.

Your two favors of the 14th one of them inclosing a letter to Miss Floyd were recd. by yesterday's mail.¹

The last paper from N.Y. as the inclosed will shew you has brought us another token of the approach of peace. It is somewhat mysterious nevertheless that the preliminaries with America should be represented by Secy. Townsend as *actually signed* and those with France as *to be signed*, as also that the signing of the latter would constitute a general peace. I have never been without my apprehensions that some tricks would be tried by the British Court notwithstanding their exterior fairness, of late, and these apprehensions have been rendered much more serious by the {tenor of some letters}² which {you have seen} and particularly by the {intimation of minister of France to Mister Livingston}.³ These considerations have made me peculiarly solicitous that your mission should be pursued as long as a possibility remained of {your sharing in} the {object of it}.

Your {portrait of your amanuensis}⁴ is I conceive drawn to {the life}. For all un{confidential services he is a convenient instrument}. For any {thing farther} ne {sutor ultra} cre{pidam}.⁵

The turn which your case has for the present taken⁶ makes it unnecessary to answer particularly the parts of your letter which relate to the expediency of a flag—and the extent of its protection. On the first point, I am inclined to think that the greatest objection with Congress would have been drawn from the risk of a denial. On the second I have no precise knowledge, but the principle would seem to extend to every thing appertaining to the mission as well as to the person of the Minister. Nor can I conceive a motive to the latter indulgence which would admit of a refusal of the former.

I am impatient to hear of the plan which is to dispose of you during the suspense in which you are placed. If Philada. as I flatter myself, is to be your abode, your former quarters will await you.

I am Dear Sir Yr. Affecte. friend,

J. Madison Jr.

[P.S.] An answer to Miss Patsy's letter is in the same mail with this.

RC (DLC: Madison Papers). Madison *Papers* (Hutchinson), 6:254–55.

¹ See *ibid.*, pp. 234–38.

² Words printed in braces in this text were written by Madison in a cipher supplied by Jefferson, for which see Madison to Jefferson, February 11, 1783, note 3.

³ For this "intimation," see Madison's Notes, January 1, 1783, note 2.

⁴ That is, Jefferson's secretary, David Salisbury Franks, for whom see Jefferson, *Papers* (Boyd), 6:241, 258.

⁵ "Let the cobbler stick to his last," Plinius Secundus Major, *Historia Naturalis*. Pliny, the Elder, *Natural History*. With an English Translation by Harris Rackham, 10 vols. (Cambridge: Harvard University Press, 1938-63), 9:324.

⁶ See Madison to Jefferson, February 15, 1783.

James Madison to Edmund Randolph

My dear friend

Philada. Feby. 18th. 1783.

I am glad to find by your favor of the 7th instant¹ that the necessity of a readoption of the impost presses so strongly on your mind. To give it a fair experiment with the ensuing assembly it will be indispensable that you should be its advocate on the floor. Those who effected its repeal will never inactively suffer it to be reinstated in our Code. {Mercer}² from {what motive God knows says} that {he will crawl to R——d³ on his bare knees to prevent it}. Having already {changed his opinion on the} subject {he fears perhaps} the {charge of unsteadiness}. Perhaps too {his zeal} against {a general revenue may be cooled by} the accomplishment in {Congress of a plan} for a valuation of land, {on the ruins of} which {he among others} suspected the former was to be {established}. This plan passed Congress yesterday.⁴ It proposes that the States shall return to Congs. before Jany next their respective quantities of land, the number of houses thereon distinguishing dwelling houses from others, and the no. of Inhabitants distinguishing Whites from blacks. These data are to be referred to a Grand Come. by whom a report in which nine voices must unite, is to be made to Congress which report is to settle the proportions of each State, & to be ratified or rejected by Congs. without alteration. Who could have supposed that such a measure could ever have been the offspring of a zealous & scrupulous respect for the Confederation?

The residue of my extract from Mr. J——s remarks is I am persuaded less interesting to your present purposes than you infer from the specimen you have received.⁵ The labor of gratifying you however I can assure you will bear no proportion to the pleasure of it, and you may calculate on being shortly furnished with it. I understand from Mr. J. that he has materials for enlarging the whole plan. My expectation of getting from him some day or other a full copy, reduced my extract to parts of immediate use to me, or such as consisting of reflections, not of facts might not be obtained otherwise.

To the Speech of the B. King of which I sent you copy by the Express,⁶ I now add in the inclosed gazette a further token of approaching peace. It seems a little mysterious nevertheless that Mr. Secy. Townsend should speak of the preliminaries with the United States as *signed* & those with France as *to be signed*. The former being

only provisional may in some measure explain it, but in that case it would seem to be without real use.

In consequence of this prospect the departure of ——⁷ has been suspended untill the further orders of Congress. I had a letter from him yesterday but he had not then been apprized of this resolution. He had seen the Speech & had I doubt not anticipated it.⁸ What course he will take during the suspense I cannot say. My wish is that he may return to this place where he will be able at least to pass away the time with less tedium.

RC (DLC: Madison Papers). Written by Madison, though not signed. Madison, *Papers* (Hutchinson), 6:256–57.

¹ See *ibid.*, pp. 207–8.

² Words printed in braces in this text were written by Madison in a cipher supplied by Randolph.

³ That is, Richmond.

⁴ See Madison's Notes, February 17, 1783.

⁵ For this reference to Jefferson's "remarks" on Virginia for the marquis de Barbé-Marbois, see Madison to Randolph, December 30, 1782, note 8, and February 25, 1783, note 5.

⁶ See Madison to Randolph, February 13, 1783, note 1.

⁷ That is, Thomas Jefferson.

⁸ See the preceding entry.

Virginia Delegates to Benjamin Harrison

Sir, Philadelphia Feby. 18th. 1783

We had the honor of receiving your Excellency's letter of the 7th¹ & shall communicate what it contains relative to the supply of the Post at Winchester to the Financier, & transmit you his answer. We have reason to believe that he intends renewing the Contract.²

On the 14th we dispatchd a messenger, with the King's Speech, to your Excellency.³ This is the only authentic information that has yet reachd us relative to Peace. The reports from N. York are, that the Preliminaries were signd the 13th of Decr. between the American & british Commissioners; but not by those of France & Spain. It can hardly be long, before we are better informd on this subject.

We enclose the Resolutions of Congress on the Tobacco shippd in the Flags, & on the Settlement of the State Accounts.⁴

With sentiments [*of*] respect & consideration, we have the honor to be yr Excellency's Servts.

J Madison Jr.	Theok. Bland jr.
Jos. Jones.	A. Lee
John F. Mercer	

RC (Vi: Continental Congress Papers). Written by Lee and signed by Lee, Bland, Jones, Madison, and Mercer. Madison, *Papers* (Hutchinson), 6:253.

¹ See *ibid.*, pp. 200–201.

² This day Arthur Lee sent an extract of Governor Harrison's letter to Robert Morris who replied on the 20th renewing the contract for supplying the post at Winchester, Va. See Morris, *Papers* (Ferguson), 7:443–44.

³ See Arthur Lee to Harrison, February 13, 1783.

⁴ See Madison's Notes, February 10, note 1.

Eliphalet Dyer to Thomas Shaw

Sir

Philadelphia Feby 19th 1783

I receivd your favor of the 3d of Feby. I had in Answer to yours of the 26th of January which was sent you on the 12th Instant gave you full Information on the matter therein proposed. I have not yet been able to see Mr Wharton, he is not yet returnd from Mary'land tho expected every day. Immediately on receiving your's 2 days agoe, I again applyed to Judge Griffin. He has again adjourned the Court to the first monday in April, fully expects Mr Reed the other Judge will then be present, Judge Griffin assured me he would advertise it in the public papers. I understand Mr Lewis of this City attorney is engaged in behalf of Stanton, but if you have oppertunity to give them Notice or Information it may not be Amiss, but suppose not Necessary. It seems by Mr Helmes' letter that you have never favoured him with the Copys from the Registers office in the Court of Appeals. I long agoe sent you Duplicates of the Decree of the Court granting a New Trial. The moment that was done it intirely Vacates the former Judgment rendered for a reversal and the matter now stands before the Court of Appeals as the Cause did before any Trial had and there is in fact no reversal of the first Judgment, nor any forfeiture on the bond. Genll Varnum came down here in behalf of Stanton &c on Notice of a New Trial, there was no Court, that could not revive the first Judgment of the Court of Appeals but it is Nullified. It really behoves them to have another Trial, for now the first Judgment before the Admiralty Court remains good & Valid tho possibly it has been Suspended for a time. I think the Assembly most assuredly in the present State of the Case will Suspend the operation of the Execution. It has been Impossible to have a Trial here for the reasons I have heretofore given you, there has been no Judges existing for a Considerable time, now there is, & no pain is spared to get them togeather. The 1st Monday in April is the time appointed.

Am Yr Hle Sert,

Elipht Dyer

[P.S.] Am oblidgd to write in midst of Debate in Congress which command my attention ever moment, believe my letter will be Very Imperfect. Receive it as it is.

ED

John Taylor Gilman to Meshech Weare

Sir,

Philada. Feby. 19th. 1783.

Since my Letter of the 12th the British King's Speech to his Parliament, has been received here, you will (probably) see it before this reaches you—have no information from our Commissrs. in Europe on this Subject, not having any Letters of a late Date. The King's Speech came by way of the West Indies, have New-York (City) Papers, as late as the 15th Instt. No Mention is made of any late Arrival's from Europe.

The King's Speech seems to be very pacific, for him, and as though he had very little doubts but that a General Peace would Immediately take place. I cannot but Hope this desirable Event has taken place, but am Anxious for further information.

Congress have agreed upon a Mode for Obtaining a Valuation of Lands &c. (to Ascertain the Quota's of each State agreeably to the Eighth Article of Confederation) which will be Immediately Sent you.

The matter of Half-Pay, and Rations, remains the same as when I wrote you on the 29th Ultimo.

I Suppose it probable, that the Honorable the Legislature are now in session, Hope Delegates will be Appointed, that I may return to New Hampshire early in April, without leaving the State Unrepresented.

I have the Honor to be, Your most Hum. Servt.

John Taylor Gilman

RC (MHi: Weare Papers).

Samuel Holten to Benjamin Chase

My worthy Freind¹

Philada. 19th February 1783.

You was pleas'd to introduce me to Doctr. Folkersamb² at your house, and I recd of him a copy of a letter wrote by Mr. Frazer to Dr. Potts in his favor, in order that I might make some inquiry of Capt. Jones, respecting a cruise the Dr. made with him. I have attended to the matter & am informed that Capt. Jones is not in this City & that it is most likely he is in Boston or gon to Europe; so that I Fear it will not be in my power to render the Doctr. any services, which otherwise wou'd have given me *particular* pleasure as he is a stranger in our Country; you will please to make my compliments to the Doctr. & acquaint him with these contents.

I congratulate you and all friends at Danvers on the great prospect of a peace soon taking place.

Please to be so kind as to call, frequently, & see Mrs. Holten as no doubt she is lonesome in my absence & will always consider it neighbourly & kind.

I am, with real respect, your most obedient

FC (MSaE: Samuel Holten Papers). In the hand of Samuel Holten, and endorsed by him: "Copy of a letter to Mr. Benjamin Chase Feby. 19th 1783."

¹ Benjamin Chase (1715–1814), a farmer and Holten's neighbor in Danvers, Mass. *The Historical Collections of the Danvers Historical Society* 6 (1918): 64; 10 (1922): 70.

² That is, John Fritz Folkersamb, who began practicing medicine in Danvers during the Revolutionary War, and in 1785 was still seeking recompense for his service with John Paul Jones. *Ibid.*, 6 (1918): 63–65. See also Holten to Folkersamb, March 19, 1785.

Arthur Lee to James Warren

Dear Sir,

In Congress Feby. 19th. 1783

Since I wrote to request you to send me a Certifyd Copy of the Resolve of the Assembly for granting me 6000 Acres of Land;¹ Mr. Gorham tells me that it has expird, & he believes was renewd. Whether It has or not, I still beg that I may have a Copy of the first resolution for it is that I want. If however it shoud have expird, you will permit me to beg your attention to having it renewd upon the best terms which your knowlege of the subject may suggest.²

I cannot but hope that Peace is near, & yet it seems extraordinary that neither Congress, the french Minister, nor Genl. Carleton has any intelligence on the subject. As to the neglect with which Congress is treated that is neither new nor undeservd; but that all other sources of official intelligence upon a matter so very interesting & important, should be equally dry, is astonishing.

The mode of settling the Quotas of the States, & of establishing funds for the payment of our debts are questions now before Congress. I wish we had your assistance in discussing them. The Confederation is a stumbling block to those who wish to introduce new, & I think arbitrary systems. The vanity of being wiser than others, & of being able to amend whatever is already done, enlists many under this banner, who do not mean any thing undue. But these Dispositions are often moulded to their measures by artful men, & others without intending it, are made to minister to their pernicious purposes.

Please to make my respects acceptable to Mrs. Warren, & to all our friends.

I have the honor to be, with the greatest esteem, Dear Sir, Yr. most Obedt Servt.

Arthur Lee

RC (MHi: Warren-Adams Papers).

¹ See Lee to Warren, April 8, 1782, note 2.

² Warren's March 14 response to Lee is in the microfilm edition of the Lee Family Papers, and Richard Lee, *Life of Arthur Lee, LL.D.*, 2 vols. (Boston: Wells and Lilly, 1829), 2:278–79.

James Madison's Notes of Debates

Wednesday February 19. [1783]¹

The motion made yesterday by Mr. Hamilton for opening the doors of Congress when the subject of finances should be under debate was negatived, Penna. alone being ay.²

A motion was made by Mr. Hamilton seconded by Mr. Bland to postpone³ the clause of the report made by Come. of the whole for altering the Impost, viz, the clause limiting its duration to 25 years, in order to substitute a proposition declaring it to be inexpedient to limit the period of its duration: first because it ought to be compensurate to the duration of the debt. 2dly. because it was improper in the present stage of the business, and all the limitation of which it wd. admit had been defined in the Resolutions of 1782.⁴

Mr. Hamilton said in support of his motion that it was in vain to attempt to gain the concurrence of the States by removing the objections publickly assigned by them against the Impost, that these were the ostensible & not the true objections: that the true objection on the part of R. I. was the interference of the impost with the opportunity afforded by their situation of levying contributions on Cont. &c which red. foreign supplies through the ports of R. I: that the true objection on the part of Va. was her having little share in the debts due from the U. S. to which the impost would be applied; that a removal of the avowed objections would not therefore, remove the obstructions whilst it would admit on the part of Congs. that their first recommendation went beyond the absolute exigences of the public; that Congs. having taken a proper ground at first, ought to maintain it till time should convince the States of the propriety of the measure.

Mr. Bland said that as the debt had been contracted by Congress with the concurrence of the States, and Congs was looked to for payment by the public creditors, it was justifiable & requisite in them to pursue such means as would be adequate to the discharge of the debt: & that the means would not be adequate if limited in duration to a period within which no calculations had shewn that the debt wd. be discharged.

On the motion the States were N. Hamshire divided, Masts. no, R. Island ay, Cont. divd, N. York. ay, N. Jersey ay, Pena. ay, Virga. no Mr. Bland ay, N. Carolina ay, S. Carolina ay. Mr. Rutledge said he voted for postponing not in order to agree to Mr. Hamiltons motion but to move & he accordingly renewed the motion, made in the Come. of the whole; viz that the Impost should be appropriated exclusively to the army. This motion was seconded by Mr. Lee.

Mr. Hamilton opposed the motion strenuously, declared that as a friend to the army as well as to the other Creditors & to the public at large he could never assent to such a partial dispensation of Justice;

that the different States being differently attached to different branches of the public debt would never concur in establishing a fund wh. was not extended to every branch; that it was impolitic to divide the interests of the civil & military Creditors, whose joint efforts in the States would be necessary to prevail on them to adopt a general revenue.

Mr. Mercer favored the measure as necessary to satisfy the army & to avert the consequences which would result from their disappointment on this subject: he pronounced that the Army would not disband until satisfactory provision should be made, & that this was the only attainable provision; But he reprobated the doctrine of a permanent debt supported by a general & permanent revenue & said that it would be good policy to separate instead of cementing the interests of the Army & the other public creditors, insinuating that the claims of the latter were not supported by justice & that the loan office certificates ought to be revised.

Mr. Fitzimmons observed that it was unnecessary to make a separate appropriation of the Impost to one particular debt, since if other funds sd. be superadded, there would be more simplicity & equal propriety in an aggregate fund for the aggregate debt funded: and that if no other funds should be superadded it wd. be unjust & impolitic: that the States whose Citizens were the chief creditors of the U. S. wd. never concur in such measure; that the mercantile interest which comprehended the chief Creditors of Pena. had by their influence obtained the prompt & full concurrence of that State in the Impost; and if that influence were excluded the State wd. repeal its law. He concurred with those who hoped the army wd. not disband un[less] provision sd. be made for doing them justice.

Mr. Lee contended that as eve[r]ybody felt and acknowledged the force of the demands of the army, an appropriation of the Impost to them wd. recommend it to all the States: that distinct & specific appropriations of distinct revenues was the only true System of finance, and was the practice of all other nations who were enlightened on this subject; that the army had not only more merit than the mercantile creditors; but that the latter would be more able on a return of peace to return to the business which would support them.

Mr. [Madison] said that if other funds were to be superadded as the gentleman⁵ who made the motion admitted, it was at least premature to make the appropriation in question; that it wd. be best to wait till all the funds were agreed upon & then appropriate them respectively to those debts to which they sd. be best fitted; that it was probable the impost would be judged best adapted to the foreign debt; as the foreign Creditors could not like the domestic ever recur to particular States for separate payments, and that as this wd. be a revenue least felt, it would be prudent to assign it to those for whom the States wd. care least, leaving more obnoxious revenues to those Creditors who wd. excite the sympathy of their Countrymen and cd stimulate them to do justice.

Mr. Williamson was agst. the motion; said he did not wish the army to disband untill proper provision should be made for them; that if force shd. be necessary to excite justice, the sooner force were applied the better.

Mr. Wilson was against the motion of Mr. Rutledge, observed that no instance occurred in the British history of finance in which distinct appropriations had been made to distinct debts *already* contracted; that a consolidation of funds had been the result of experience; that an aggregate fund was more simple & would be most convenient: that the interest of the whole funded debt ought to be paid before the principal of any part of it; and therefore in case of surplus of the impost beyond the interest of the army debt, it ought at any rate to be applied to the interest of the other debts, and not, as the motion proposed, to the principal of the army debt. He was fully of opinion that such a motion wd. defeat itself, that by dividing the interest of the civil from those of the military Creditors the provision for the latter would be frustrated.

On the question on Mr. Rutledge's motion the States were N.H. no, Mas. no, Cont. no, N.J. no, Virga. no, Mr. Lee & Mr. Mercer ay, N.C. no, S. Carolina ay.

On the clause reported by the Comee. of the whole in favor of limiting the impost to 25 years, the States N.H. ay, Mas. ay, Cont. divid.,⁶ N.Y. no, N.J. no, Pa. ay, Va. ay, Mr. Bland no, N. Carolina ay, S. Carolina ay. So the question was lost.

On the question whether the appointment of Collectors of the Impost shall be left to the States, the Collectors to be under the controul of & amenable to Congs. there were 7 ays—N.Y. & Pena. being no & N.J. divided.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:258–64.

¹ There is no entry in Secretary Thomson's journals for this date.

² See the next to last paragraph of Madison's February 18 Notes of Debates.

³ According to a copy of the "Rules for conducting Business in the United States in Congress Assembled" maintained by President Elias Boudinot covering the period May 4, 1781, to May 15, 1783, Congress this day adopted the following additional rule concerning "a Question to postpone," which is not recorded in the journals but may have been occasioned by this motion. "Determined by a unanimous Vote," Boudinot wrote, "that on a Question to postpone to take up another Question, debate may go into the Merits of Question at large. *not Entd.*" Emmet Collection, no. 441, NN. For the congressional rules in force at this time, see *JCC*, 20:476–82, 22:75–76, 24:98, 109, 131; and Virginia Delegates to Benjamin Harrison, November 19, 1782, note 3.

⁴ Apparently December 16, 1782, for which see Hamilton, *Papers* (Syrett), 3:213–23, 261–62; and *JCC*, 23:798–809.

⁵ Madison later added "Mr. Rutledge" at this point in the MS.

⁶ Madison inserted an asterisk at this point to which he keyed the following note: "Cont., Mr. Dyer ay, Mr. Wolcot no."

⁷ Madison inserted a "dagger" at this point to which he keyed the following note: "Pa., Mr. Wilson & Fitzsimmons no."

Oliver Wolcott to Frederick Wolcott

Dr Child,

Philadelpha. 19th Feb. 1783

I expect that you will receive this Letter at N Haven as I have heard that the College¹ winter Vacancy would End before this Time. You cannot suppose but that I have frequently enquired about you, and am glad that this Enquiry has been so much to my Satisfaction, and that my Expectations of you have been so fully answered.

I do not know wheither your Situation is the most eligible that might be chosen, but if any Inconvenience attends it, it will be less felt now than at another Period, tho I shall be Very sorry if you do not enjoy the best advantages for Improvment in Learning, as that is the object of your Pursuit and my Wishes; as to what respects your Circumstances you will be directed by your Mother.

You are now at that Time of Life which is the most interesting and important to yourself, as your Conduct for a few years to come will (if God shall spare your Life) probably give you that Character as to Morals, Virtue and Learning which you will likely have thro the future Periods of Life. My Solicitude for your Wellfare induces me most ardently to Wish that a strict Regard for the Precepts of Religion, the most Suiteable Behaivour, and the best use of Time may distinguish the whole of your Conduct. I am happy in being perswaded that you will do well.

We have been expecting for several days to hear that Peacee was agreed upon amongst the contending Powers. I hope that you will hear that it is so before that you shall receive this Letter, in a manner consistent with the Interest and Safety of this Country.

By the Blessing of God I am well. May the Almighty Bless you—
your's with the kindest Affection, Oliver Wolcott

RC (CtLHi: Miscellaneous Manuscripts).

¹ That is, Yale College, where Frederick was a student.

Oliver Wolcott to Oliver Wolcott, Jr.

Sir

Philadelpa. 19th Feb 1783

I have been favoured with your Letters of the 1t and 10t and thank you for the Intelligence therewith communicated. Soon after my coming here I waited on Mr Morriss and informed him that the State had for a long Time impatiently expected Mr Smith to come forward, he told me that he had not long before Sent him his Commission and Instructions, and that he would Very soon be upon this Business. After that I had not heard any Thing of him, and supposed that he was at Hartford, as I wrote to you some Time ago, and knew nothing to the contrary till I recd. your last Letter. I have since waited upon Mr Mor-

riss who has engaged to write this Post to a Mr Thompson of Boston who has been recommended to him by Mr. Gorham a Delegate from Massachusetts to undertake this Business. This must necessarily occasion a considerable Delay, but as I have fully represented to Mr Morris the Importance of the Subject of this Appointment, I have no doubt but a proper Attention will be given to it.¹

Congress have passed an Act that Surveys shall be taken of all the located Lands of each State, and an Acct. of the Number of Houses and other Buildings, and also the Number of white and black People distinguishing each. This is to be done by the Authority of each State—and Returns are to be made by the first of Janry—upon which Congress have resolved that they will Appoint a Grand Committee which in Congress Language is a Member of Congress for each State to be Nominated by the Delegates of the State in Congress, each State appointing one. This Committee are to Adjust the Value of the Lands and Buildings of each State, and if nine of them shall agree upon a Valuation, which it is intended shall be made by the Materials furnished as mentioned and they are to return to Congress.

Congress are thereupon to approve or reject the Returns as they shall judge proper. This mode of Proceeding is supposed will be conformable to the eighth Article of the Confederation. I shall give you No Opinion of Mine upon this Proccess, any otherwise than that Shews the Imperfection of the 8th Article of the Confederation and will Shew also the Difficulty of adopting even a Mode for it's Execution when it shall be considered that the mode agreed to, took up a Week or more in its Investigation. This Valuation if Approved of by Congress is to Operate for five years from which the necessary Sums are to be derived for annual Supplys and is to serve as a Principle by which the Monies and Supplys which have been furnished the U States are to be adjusted—That is the Accounts of the several States are to be settled by the relative Value of each State so made.

Congress have passed an Act that they will Establish permanent Funds but this is easier said, than done by the federal Powers Vested in Congress. The publick Creditors are clamorous for Security. The Army are urgent for a Settlement of what by Acts of Congress they consider themselves as intituled to. Virginia without Notice has repealed her Act Vesting the U States with a Power to levy Duties, upon her having lately found out, it seems that it is inconsistent with her Sovereignty. R Island persists in her Obstanacy—how all these Sovereign People will agree in the Establishment of National Security is difficult to Say. We rather feell our Embarrassments than know the mode by which We can extricate ourselves—and if Peace shall be established, which We flatter ourselves is the Case, yet the Vehement Demands for Justice, the Variety of Interest, Opinion and partial Considerations, prevailing in different States and Classes of People, proves but too clearly that much is yet to be done before Such Establish-

ments will be made or will effectually Unite, Secure and render the People of this Country happy to that Degree, as every benevolent Manner & Lover of his Country wishes to see it in the Possession of. But that governing merciful Providence which has in so uncommon a manner protected this Country, will I trust guide the People of it into such a Conduct as will be essential to their Happiness.

I believe that I have Sent to Hartford all that has been published in Regard to the Susquehannah Case, I will continue to do so, as I shall write to someone there every Week, to you principally—if the Papers here are recd. by any, I suppose that all the Communications will be made this Way which are necessary. I shall not therefore at present make any farther Provision on this Account either for you or Mr Goodwin as I shall suppose it unnecessary, unless I am farther advised upon the Subject.

I have no News in Regard to Peace but what you find in the Papers—and they afford no Evidence but what can be derived from his Brittannick Majestys Speech to his Parliament. No Vessells have arrived from Europe, that I know of Since that Period—but probably you will get News sooner from N York than from this Place.

My Compliments to Mr. Ellsworth, Mr Lyman and Friends. May God bless you. Regard the high Obligations of Vertue and Relegion. Mention to me as often as you shall know the Condition of the Family; I hear but seldom from them. Yours, Oliver Wolcott

PS. I beleive I shall send forward a Letter to Mr. Reeve inclosing one to the Family—if so you will Sent it forward as I suppose you weekly enquire at the P Office for Letters of mine.

I shall Attend to secure if I can to Authors their Copy Rights—for Some Time past Congress have been too much Occupied by important Subjects to introduce a Matter of this Nature. Send me by the next Post a Copy of our Act of Assembly on this Subject. Some Gentlemen of Influence are engaged to support the Proposition which you wish to establish.

RC (CtHi: Oliver Wolcott, Jr., Papers).

¹ Robert Morris actually wrote to the governor of Connecticut this day nominating William Thompson as commissioner for settling the state's Continental accounts in the place of Melancton Smith, who had resigned, for which see Morris, *Papers* (Ferguson), 7:441, 450.

Theodorick Bland's Proposed Resolves

[February 20, 1783]¹

That a representation be drawn up which shall accompany such requisitions as shall be sent out to the Several States for such revenues

as they may require for funding the Publick debts in which shall be Stated the debt funded & unfunded of these United states from the first Siting of Congress to the 1st day of March 1781 reduced to Specie Value as far as Such debts are liquidated—together with the mode in which the monies have been Supplied, and the Manner in which they have been appropriated.

That the Said representation shall be accompanied with an exact state of the debt of the United States incurrd Since the Signing of the Confederation untill the 1st day of Jany. 1783—of all Loans, donations, and State Contributions, actually obtained by Congress on the faith and for the use of the United States—with an exact account of the manner in which they have been appropriated and applied together with the debts contracted within the Said Period which remain unpaid.

MS (DLC: Madison Papers). In the hand of Theodorick Bland.

¹ These resolves, which were endorsed by Charles Thomson "Motion of Mr Bland, Feby 20. 1783," were not recorded in the journals because they were advanced during the sitting of the committee of the whole. See *JCC*, 24:141. For the context in which Bland may have proposed them, see the following entry. It is not clear why they are among Madison's papers or why he did not mention them in his Notes of Debates.

James Madison's Notes of Debates

Thursday Feby. 20. 1783

The motion for limiting the impost to 25 years having been yesterday lost, and some of the gentleman who were in the negative desponding of an indefinite grant of it from the States the motion was reconsidered.

Mr. Wolcot & Mr. Hamilton repeat the inadequacy of a definite term. Mr. Ramsay & Mr. Williamson repeat the improbability of an indefinite term being acceded to by the States, & the expediency of preferring a limited impost to a failure of it altogether.

Mr. Mercer was against the impost altogether but would confine his opposition within Congress: He was in favor of the limitation as an alleviation of the evil.

Mr. Fitzimmons animadverted on Mr. Mercer's insinuation yesterday touching the loan-office Creditors,¹ & the policy of dividing them from the military Creditors, reprobated every measure which contravened the principles of justice & public faith; and asked whether it were likely that Mas. & Pa. to whose Citizens $\frac{1}{2}$ the loan office debt was owing would concur with Virga. whose Citizens had lent but little more than three hundred thousand dollars, in any plan that did not provide for that in common with other debts of the U. S. He was against a limitation to 25 years.

Mr. Lee wished to know whether by Loan office Creditors were meant the original subscribers or the present holders of the certificates, as the force of their demands may be affected by this consideration.

Mr. Fitzimmons saw the scope of the question, and said that if another scale of depreciation was seriously in view he wished it to come out, that every one might know the course proper to be taken.

Mr. Ghorum followed the Sentiments of the gentleman who last spoke, expressed his astonishment that a gentleman (Mr. Lee) who had enjoyed such opportunities of observing the nature of public credit, should advance such doctrines as were fatal to it. He said it was time that this point sh. be explained, that if the former scale for the loan office certificates was to be revised and reduced as one member from Virga. (Mr. Mercer) contended, or a further scale to be made out for subsequent depreciation of Certificates, as seemed to be the idea of the other member (Mr Lee), the restoration of public credit was not only visionary but the concurrence of the States in [any] arrangements. whatever was not to be expected. He was in favor of the limitation as necessary to overcome the objections of the States.

Mr. Mercer professed his attachment to the principles of justice but declared that he thought the scale by which the loans had been valued unjust to the public & that it ought to be revised & reduced.

On the question for the period of 25 years it was decided in the affirmative seven States being in favor of—N. Jersey & N. York only being no.²

Mr. Mercer called the attention of Congress to the case of the goods siezed under a law of Pena. on which the Come. had not yet reported, and wished that Congs. would come to some resolution declaratory of their rights & which would lead to an effectual interposition on the part of the Legislature of Pena.³ After much conversation on the subject in which the members were somewhat divided as [to] the degree of peremptoriness with which the State of Pa. should be called on, the Resolution on the Journal was finally adopted; having been drawn up by the Secy. & put into the hands of a member.⁴

The Resolution passed without any dissent.⁵

The evening of this day was spent at Mr. Fitz——ns by Mr. Ghorum, Mr. Hamilton, Mr. Peters, Mr. Carroll & Mr M[adison]. The conversation turned on the subject of revenue under the consideration of Congress, and on the situation of the army. The conversation on the first subject ended in a general concurrence (Mr. H——n excepted) in the impossibility of adding to the impost on trade any taxes that wd. operate equally throughout the States,⁶ or be adopted by them. On the second subject Mr. Hamilton & Mr. Peters who had the best knowledge of the temper, transactions & views of the army, informed the company that it was certain that the army had secretly determined not to lay down their arms until due provision & a satisfactory prospect should be afforded on the subject of their pay; that there was

reason to expect that a public declaration to this effect would soon be made; that plans had been agitated if not formed for subsisting themselves after such declaration; that as a proof of their earnestness on this subject the Commander was already become extremely unpopular among almost all ranks from his known dislike to every unlawful proceeding, that this unpopularity was daily increasing & industriously promoted by many leading characters; that his choice of unfit & indiscreet persons into his family was the pretext and with some a real motive; but the substantial one a desire to displace him from the respect & confidence of the army in order to substitute Genl. ()⁷ as the conductor of their efforts to obtain justice. Mr. H. said that he knew Genl. Washington intimately & perfectly, that his extreme reserve, mixed sometimes with a degree of asperity of temper both of which were said to have increased of late, had contributed to the decline of his popularity; but that his virtue his patriotism & his firmness would it might be depended upon never yield to any dishonorable or disloyal plans into which he might be called; that he would sooner suffer himself to be cut into pieces; that he (Mr H) knowing this to be his true character wished him to be the conductor of the army in their plans for redress, in order that they might be moderated & directed to proper objects, & exclude some other leader who might foment & misguide their councils; that with this view he had taken the liberty to write to the Genl. on this subject and to recommend such a policy to him.⁸

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:264–70.

¹ See Madison's Notes, February 19.

² This vote was not recorded in Secretary Thomson's journal. For another motion that was offered this day, see the preceding entry.

³ See Madison's Notes, January 24 and February 13, 1783.

⁴ At this point Madison inserted an asterisk to which he keyed the following note, obviously written sometime after February 21, the date of the action by the Pennsylvania Assembly mentioned therein. "The result proved that mildness was the soundest policy. The Legislature in consequence having declared the law under which the goods were seized to be void as contradictory to the federal constitution. Some of the members in Conversation sd. that if Congress had declared the law to be void, the displeasure of the legislature might possibly have produced a different issue." For Pennsylvania's declaration that the offending statute was "contradictory to the Ninth Article of the Confederation and ought to be repealed," see PCC, item 69, 2:421; and *Minutes of the Seventh General Assembly of . . . Pennsylvania*, pp. 833–34, DLC(ESR).

⁵ No vote is recorded in the journals, but for the text of the resolutions adopted, see JCC, 24:141–42.

⁶ For evidence that Hamilton continued to believe that a comprehensive tax scheme could be devised that would operate equally throughout the states, see Hamilton's Notes on Funding, February–April? 1783.

⁷ Madison inked out the name he had written here, which the editors of the Madison Papers speculated was "Genl. Gates," but examination of the MS under a microscope provides no support for this suggestion. Perhaps Madison wrote "Knox," whose role and popularity with the officers at Newburgh better fits the context of their attempt to influence Congress, but he lined out the word so thoroughly the conjecture cannot be supported by the physical evidence.

⁸ See Hamilton to Washington, February 13, 1783.

James Madison's Notes of Debates

Friday Feby. 21 [1783].

Mr. Mercer made some remarks tending to a reconsideration of the act declaring general funds to be necessary, which revived the discussion of that subject.¹

Mr [Madison] said that he had observed through[ou]t the proceedings of Congress relative to the establishment of such funds that the power delegated to Congress by the confederation had been very differently construed by different members & that this difference of construction had materially affected their reasonings & opinions on the several propositions which had been made; that in particular it had been represented by sundry members that Congress was merely an Executive body; and therefore that it was inconsistent with the principles of liberty & the spirit of the Constitution, to submit to them a permanent revenue which wd. be placing the purse & the sword in the same hands; that he wished the true doctrine of the confederation to be ascertained as it might perhaps remove some embarrassments; and towards that end would offer his ideas on the subject.

He said that he did not conceive in the first place that the opinion was sound that the power of Congress in cases of revenue was in no respect Legislative, but merely Executive: and in the second place that admitting the power to be Executive a permanent revenue collected & dispensed by them in the discharge of the debts to wch. it sd. be appropriated, would be inconsistent with the nature of an Executive body, or dangerous to the liberties of the republic.

As to the first opinion he observed that by the articles of Confederation Congs. had clearly & expressly the right to fix the quantum of revenue necessary for the public exigences, & to require the same from the States respectively in proportion to the value of their land; that the requisitions thus made were a law to the States, as much as the acts of the latter for complying with them were a law to their individual members: that the fœderal constitution² was as sacred & obligatory as the internal constitutions of the several States; and that nothing could justify the States in disobeying acts warranted by it, but some previous abuse or infraction on the part of Congs.; that as a proof that the power of fixing the quantum & making requisitions of money, was considered as a legislative power over the purse, he would appeal to the proposition made by the British Minister of giving this power to the B. Parliamt. & leaving to the American assemblies the privileges of complying in their own modes; & to the reasonings of Congress & the several States on that proposition. He observed further that by the articles of Confederation was delegated to Congs. a right to borrow money indefinitely, and emit bills of Credit which was another species of borrowing, for repayment & redemption of which the faith of the

States was pledged & their legislatures constitutionally bound. He asked whether these powers were reconcileable with the idea that Congress was a body merely Executive? He asked what would be thought in G. B. from whose constitution our Political reasonings were so much drawn, of an attempt to prove that a power of making requisitions of money on the Parliament, & of borrowing money for discharge of which the Parlt sd. be bound, might be annexed to the Crown without changing its quality of an Executive branch; and that the leaving to the Parliamt. the mode of complying with the requisitions of the Crown, would be leaving to it its supreme & exclusive power of Legislation?

As to the second point he referred again to the British Constitution & the mode in which provision was made for the public debts; observing that although the Executive had no authority to contract a debt; yet that when a debt had been authorized or admitted by the parliament a permanent & irrevocable revenue was granted by the Legislature, to be collected & dispensed by the Executive; and that this practice had never been deemed a subversion of the Constitution or a dangerous association of a power over the purse with the power of the Sword.

If these observations were just as he conceived them to be, the establishment of a permanent revenue not by any assumed authority of Congress, but by the authority of the States at the recommendation of Congs. to be collected & applied by the latter to the discharge of the public debts, could not be deemed inconsistent with the spirit of the federal constitution, or subversive of the principles of liberty; and that all objections drawn from such a supposition ought be withdrawn. Whether other objections of sufficient weight might not lie agst. such an establishmt. was another question. For his part altho' for various reasons³ he had wished for such a plan as most eligible, he had never been sanguine that it was practicable & the discussions which had taken place had finally satisfied him that it would be necessary to limit the call for a general revenue to duties on commerce & to call for the deficiency in the most permanent way that could be reconciled with a revenue established within each State separately & appropriated to the Common Treasury. He said the rule which he had laid down to himself in this business was to concur in every arrangemt. that sd. appear necessary for an honorable & just fulfilment of the public engagements; & in no measure tending to augment the power of Congress which sd appear to be unnecessary; and particularly disclaimed the idea of perpetuating a public debt.

Mr. Lee in answer to [Mr. Madison] said the doctrine maintained by him was pregnant with dangerous consequences to the liberties of the confederated States; that notwithstanding the specious arguments that had been employed it was an established truth that the purse ought not to be put into the same hands with the Sword; that like arguments had been used in favor of Ship money in the reign of Charles I it being

then represented as essential to the support of the Govt., that the Executive should be assured of the means of fulfilling its engagements for the public service: He said it had been urged by several in behalf [of] such an establishment for public credit that without [it] Congress was nothing more than a rope of sand. On this head he would be explicit; he had rather see Congress a rope of sand than a rod of Iron. He urged finally as a reason why some States would not & ought not to concur in granting to Congress a permanent revenue, that some States as Virga, would receive back a small part by paymt. from the U.S. to its Citizens; whilst others as Pena. wd. receive a vast surplus; & consequently be enriched by draining the former of its wealth.

Mr. Mercer said if he conceived the foederal compact to be such as it had been represented he would immediately withdraw from Congress & do every thing in his power to destroy its existence: that if Congs. had a right to borrow money as they pleased and to make requisitions on the States that wd. be binding on them, the liberties of the States were ideal;⁴ that requisitions ought to be consonant to the Spirit of liberty; that they should go frequently & accompanied with full information, that the States must be left to judge of the nature of them, of their abilities to comply with them & to regulate their compliance accordingly; he laid great stress on the omission of Congs. to transmit half yearly to the States an acct. of the monies borrowed by them &c. and even insinuated that this omission had absolved the States in some degree from the engagements. He repeated his remarks on the injustice of the rule by which loan office certificates had been settled, & his opinion that some defalcations would be necessary.

Mr. Holten was opposed to all permanent funds, and to every arrangement not within the limits of the Confederation.

Mr. Hamilton enlarged on the general utility of permanent funds to foederal interests of this Country, & pointed out the difference between the nature of the Constitution of the British Executive, & that of the U. S. in answer to Mr. Lee's reasoning from the case of Ship money.

Mr. Ghorum adverted with some warmth to the doctrines advanced by Mr. Lee & Mercer concerning the loan office Creditors. He said the Union could never be maintained on any other ground than that of Justice; that some States had suffered greatly from the deficiencies of others already; that if Justice was not to be obtained through the foederal system & this system was to fail as would necessarily follow, it was time this should be known that some of the States might be forming other confederacies adequate to the purposes of their safety.

This debate was succeeded by a discharge of the Committee from the business of devising the means requisite for restoring public credit &c &c, and the business referred a Come. consisting of Mr. Ghorum, Mr. Hamilton, Mr. Madison, Mr. Fitzimmons & Mr. Rutledge.⁵

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:270–77.

¹ See Madison's Notes, January 29, 1783, note 5.

² Madison originally wrote "constitution," which he then deleted for "compact," but subsequently lined out "compact" and rewrote "constitution."

³ At this point Madison inserted an asterisk to which he keyed the following note:

"Among other reasons privately weighing with him, he had observed that many of the most respectable people of America supposed the preservation of the Confederacy, essential to secure the blessings of the revolution; and permant funds for discharging debts essential to the preservation of Union. A disappointmt to this class wd. certainly abate their ardor & in a critical emergence might incline them to prefer some political connection with G. B. as a necessary cure for our internal instability—again Without permanent & general funds he did not concieve that the danger of convulsions from the army could be effectually obviated—lastly he did not think that any thing wd. be so likely to prevent disputes among the States with the calamities consequent on them. The States were jealous of each other, each suppose itself to be on the whole a creditor to the others. The Eastern States in particular thought themselves so with regard to the S. States (see Mr. Ghorum in the debates of this day). If general funds were not introduced it was not likely the balances wd. be ever be discharged, even if they sd. be liquidated. The consequence wd. be a rupture of the confederacy. The E. States wd. at sea be powerful & rapacious, the S. opulent & weak. This wd. be a temptation—the demands on the S. Sts would be an occasion—Reprisals wd. be instituted—Foreign aid would be called in by first the weaker, then the stronger side; & finally both be made subservient to the wars & politics of Europe."

⁴ That is, "imaginary."

⁵ See *JCC*, 24:144; and Madison's Notes, February 27, when the report of this committee was first taken up.

Oliver Wolcott to Laura Wolcott

My Dear,

Philadelpa. 21 Feb. 1783

I wrote to Rhina by the last Post.¹ I think that I have wrote to you or some of the Family by every Post for several Weeks past. I hear but seldom from owing I beleive to the want of oppertinity to write by—such as you shall have I hope that you will embrace.

We have no material News since We had the British Kings Speech. The Non Arrivals induce an opinion that the Vessells for these Ports wait till that Event is ascertained, which is much expected has taken Place in Europe.

By the Blessing of God I still injoy Health. Take the best Care in your Power of your own—and may the Almighty Protect and Bless you and the Family. Our Happiness depends upon his Favour. My Love to our Children. Yours affectionately

Oliver Wolcott

RC (CtHi: Oliver Wolcott, Sr., Papers).

¹ Not found.

The truth is the ability of a country to pay taxes depends on infinite combinations of physical and moral causes, which can never be accommodated to any general rule, climate, soil, productions, advantages for navigation, government, genius of the people, progress of arts and industry, and an endless variety of circumstances. The diversities are sufficiently great in these states to make an infinite difference in their relative wealth—the proportion of which can never be found by any common measure whatever.

The only possible way then of making them contribute to the general expence in an equal proportion to their means is by general taxes imposed under Continental authority. In this mode there would no doubt be inequalities and for a considerable time material ones; but experience and the constant operation of a general interest which by the very collision of particular interests must in the main prevail in a Continental deliberative would at length correct those inequalities, and ballance one tax that should bear hard upon one state by another that should have a proportional weight in others. This idea however was not at the period of framing the confederation, and is not yet agreeable to the spirit of the times. To futurity we must leave the discovery how far this spirit is wise or foolish. One thing only is now certain that Congress having the discretionary power of determining the quantum of money to be paid into the general treasury towards defraying the common expences, have in effect the constitutional power of general taxation. The restraints upon the exercise of this power amount to the perpetuating a rule for fixing the proportions which must of necessity produce inequality, and by refusing the fœderal government a power of specific taxation and of collection, without substituting any other adequate means of coercion do in fact leave the compliance with Continental requisitions to the good will of the respective states. Inequality is inherent in the theory of the confederation, and in the practice that inequality must increase in proportion to the honesty or dishonesty of the component parts. This vice will either in its consequences reform the fœderal constitution or dissolve it.

If a general standard must be fixed numbers were preferable to land. Modes might be devised, to ascertain the former with tolerable precision, but I am persuaded the experiment will prove, that the value of all the land in each state cannot be ascertained with any thing like exactness. Both these measures have the common disadvantage, of being no equal representative of the wealth of the people; but one is much more simple, definite and certain than the other.

I have indulged myself in these remarks to show that I have little expectation of success from any mode of carrying the article in question into execution upon equitable principles. I owe it however to myself to declare that my opposition did not arise from this source.

The confederation has pointed out this mode—and though I would heartily join in a representation of the difficulties (of which every man of sense must be sensible on examination) that occur in the execution of the plan to induce the states to consent to a change, yet as this was not the disposition of a Majority of Congress, I would have assented to any mode of attempting it which was not either obviously mischievous or impracticable.

The first plan proposed³ as Your Excellency will see was an actual valuation of each state by itself. This was evidently making the interested party judge in his own cause. Those who have seen the operation of this principle between the counties in the same state and the districts in the same county cannot doubt a moment that the valuations on this plan would have been altogether unequal and unjust. Without supposing more liberality in one state than in another the degree of care, judgment and method employed in the execution would alone make extreme differences in the results.

This mode had also the further inconvenience of awakening all the jealousies of the several states against each other. Each would suspect that its neighbour had favoured itself, whether the partiality appeared or not. It would be impossible to silence these distrusts and to make the states sit down satisfied with the justice of each other. Every new requisition for money would be a new signal for discussion and clamour, and the seeds of disunion already sown too thick would be not a little multiplied.

To guard against these evils the plan proposes a revision by Congress; but it is easy to be seen that such a power could not be exercised. Should any states return defective valuations, it would be difficult to find sufficient evidence to determine them such—to alter would not be admissible, for Congress could have no data, which could be presumed equivalent to those which must have governed the judgment of Commissioners under oath on an actual view of the premisses—to do either this, or to reject would be an impeachment of the honor of the states which it is not probable there would be decision enough to hazard—and which if done could not fail to excite serious disgusts. There is a wide difference between a single state exercising such a power over its own counties and a confederated government exercising it over sovereign states, which compose the confederacy. It might also happen, that too many states would be interested in the defective valuations to leave a sufficient number willing either to alter or to reject.

These considerations prevailed to prevent the plan being adopted by a Majority.

The last plan may be less mischievous than the first,⁴ but it appears to me altogether ineffectual. The mere quantity of land granted and surveyed with the general species of buildings upon them can certainly be no criteria to determine their value. The plan does not even

distinguish the improved from the unimproved land—the qualities of soil, or degrees of improvement—the qualities of the houses and other buildings are intirely omitted. These it seems are to be judged of by the commissioners to be appointed by each state; but I am unable to conceive how any commissioner can form the least estimate of these circumstances with respect even to his own state, much less with respect to other states, which would be necessary to establish a just relative value. If even there was a distinction of improved from unimproved land, by supposing an intrinsic value in the land and adopting general rates something nearer the truth might be attained; but it must now be all conjecture and uncertainty.

The numbers of inhabitants distinguishing white from black are called for. This is not only totally foreign to the confederation but can answer no reasonable purpose. It has been said that the proportion of members may guide and correct the estimates; an assertion purely verbal. A judgment must first be formed of the value of the lands upon some principles. If this should be altered by the proportion of numbers, it is plain numbers would be substituted to land.

Another objection to the plan is, that it lets in the particular interests of the states to operate in the returns of the quantities of land, number of buildings and number of inhabitants. But the principle of this objection applies less forcibly here than against the former plan.

Whoever will consider the plain import of the 8th article of the confederation must be convinced that it intended an *actual* and *specific* valuation of land, buildings and improvements, not a mere general estimate according to the present plan. While we insist therefore upon adhering to the confederation, we should do it in reality not barely in appearance.

Many of those who voted for this scheme had as bad an opinion of it as myself; but they were induced to accede to it, by a persuasion that some plan for the purpose was expected by the states, and that none better in the present circumstances of the country could be fallen upon.

A leading rule which I have laid down for the direction of my conduct is this—that while I would have a just deference for the expectations of the states, I would never consent to amuse them by attempts, which must either fail in the execution or be productive of evil. I would rather incur the negative inconveniences of delay than the positive mischief of injudicious expedients. A contrary conduct serves to destroy confidence in the government, the greatest misfortune that can befall a nation. There should in my opinion be a character of wisdom and efficiency in all the measures of the federal council, the opposite of a spirit of temporising concession.

I would have sufficient reliance on the judgments of the several states to hope that good reasons for not attempting a thing would be more satisfactory to them than precipitate and fruitless attempts. My

idea is that taking it for granted the states will expect an experiment on the principles of the confederation the best plan will be to make it by Commissioners appointed by Congress and acting under their authority. Congress might in the first instance appoint three or more of the principal characters in each state for probity and abilities, with a power to nominate other commissioners under them in each subdivision of the state. General principles might be laid down for the government of their conduct by which uniformity in the manner of conducting the business would obtain. Sanctions of such solemnity might be prescribed and such notoriety given to every part of the transaction, that the commissioners could neither be careless nor partial without a sacrifice of reputation.

To carry this plan however into effect with sufficient care and accuracy would be a work both of time and expence; and unfortunately we are so pressed to find money for calls of immediate necessity that we could not at present undertake a measure, which would require so large a sum.

To me it appears evident that every part of a business, which is of so important and universal concern should be transacted on uniform principles and under the direction of that body which has a common interest.

In general I regard the present moment probably the dawn of peace as peculiarly critical; and the measures which it shall produce as of great importance to the future welfare of these states. I am therefore scrupulously cautious of assenting to plans which appear to me founded on false principles.

Your Excellency will observe that the valuation of the lands is to be the standard for adjusting the accounts for past supplies, between the United States and the particular states. This if adhered to without allowance for the circumstances of those states which have been more immediately the theatre of the war, will charge our state for the *past* according to its *future ability* when in an entire condition; if the valuation should be finally made after we regain possession of the parts of the state now in the power of the enemy.

I have therefore introduced a motion for repeating the call in a more earnest manner upon the states to vest Congress with a power of making equitable abatements, agreeable to the spirit of the resolution of the 20th of February last which few of the states have complied with. This motion has been committed.⁵ I know not what will be its fate.

Notwithstanding the opposition I have given, now the matter has been decided in Congress, I hope the state will cheerfully comply with what is required. Unless each state is governed by this principle, there is an end of the union. Every state will no doubt have a right in this case to accompany its compliance with such remarks as it may think proper. I have the honor to be, Yr. Excellency's Most Obedient servant

Alx Hamilton

P.S. After the plan was agreed upon, it was committed to be put into form, and when reported instead of Commissioners an alteration was carried for making the estimate by a Grand Committee.

Feby. 27. Mr. Morris has signified to Congress his resolution to resign by the first of June if adequate funds are not by that time provided.⁶ This will be a severe stroke to our affairs. No man fit for the office will be willing to supply his place for the very reasons he resigns.

'Tis happy for us we have reason to expect a peace; I am sorry that by different accounts it appears not to have been concluded late in December.

RC (DLC: Alexander Hamilton Papers). Hamilton, *Papers* (Syrett), 3:268–74.

¹ The editors of Hamilton's papers also recorded a letter of this date from Hamilton to George Washington—"Referring to a plan for carrying the 8th article of the confederation into execution, etc."—which is listed as "not found." *Ibid.*, 26:432. This information was taken from *American Book-Prices Current* for 1906, but the document described is simply the present letter to Clinton, erroneously attributed to Washington by a manuscript dealer. The manuscript was given to the Library of Congress in 1930.

² The extracts from the journals forwarded by Hamilton, of proceedings of February 6, 16, and 17, are printed in Clinton, *Papers* (Hastings), 8:66–72.

³ For the consideration of this plan on February 6, see *JCC*, 24:112–17.

⁴ For the consideration of this "last plan" on February 17, see *ibid.*, pp. 133–37.

⁵ Hamilton's February 17 motion to allow abatements to states that suffered enemy occupation was referred to a committee which reported against it on February 26, but the issue was not taken up until March 4 when Hamilton renewed the motion and it was rejected by a vote of 8 to 1. See *JCC*, 24:138, 152, 162–63; Hamilton, *Papers* (Syrett), 3:259–60; and James Madison's Notes of Debates, February 26 and March 4, 1783.

⁶ See James Madison's Notes of Debates, February 26, note 7.

Jonathan Arnold to Welcome Arnold

Dear Sir,

Philadelphia Feb 25th. 1783.

I have taken the Liberty to embrace your kind offer, and have this day drawn in favor of Messrs. Hewes and Anthony, at ten days sight for Two Hundred Dollars.

My necessities were such as renders the sense of your kindness extremely grateful and as soon as I learn that the Assembly have made me a grant, I will direct so much to be paid to you out of it.

Having been much indisposed, so as to be confined to my room for several days, must plead in excuse for not writing more fully—tho' very few matters have been ripened to decision since you left the City. Congress, are yet intent on regulating Finance—but have not got thro' the first object—the *impost*. The mode for obtaining a General Estimate is inclosed in a Letter to Govr Bowen,¹ to which I beg leave to refer, and am very respectfully, Your most Hum Servt.

Jona Arnold

RC (NN: Emmet Collection).

¹ Not found.

Elias Boudinot to Lewis Pintard

My very dear Sir,

Philadelphia Febry 25th 1783

I exceedingly regretted the neglect of not enclosing you the News Papers in my last, thro' my extreme hurry, altho' there was nothing in them worth Communicating.

I recd. your Letter to Mr. Morris & will deliver it.¹ I expect your resignation will be much blamed, altho' I think you quite right, even if the war should Continue. By two arrivals one here from Teneriffe, and another at Baltimore from St Kitts there are reports that all negotiations for Peace are broken off but from the most calm examination of them, think they amount to nothing to be attended to. When you write to the Speaker enclose it to the Governor & he will forward it—as he lives down at Cumberland out of your Way.

As to Jonas Post, I am not fond of his Tenantship, unless, I had a prospect of getting the rent, and I do not choose to go to any Expence of Rails or to suffer it to be ploughed for that rent. I will consent that whatever Rails are carried on may be taken off again, unless I choose to pay for them at the End of the Year. If he will take the Lott of about 9 Acres next to Mr Kennedys on the west side of the Road, and build a Log House 20 feet square on it, I will let him have the sd. Lott two Years for nothing & I'll pay for the Nails. If he will agree to do it, let me know it & I draw up my Terms in writing. If John Breeze or Mr Southard should pay you any Cash on my Acct recieve it & let me know it, as I shall soon want a recruit. Be so good as to send by the next Post, the young Mare you got from Elisha—and the others may be as well out of the Stable as in. Only I think you had best get Mr. Burrows (Elisha's Friend) or any other proper Person to cut the Horse colt or he will plague you too much. As to the large Horse Colt unless he promisses very fair, I will sell him as soon as I can get a Chap—I think he must be worth £25 or £30. As to the Fence along the Barn, if you have rails enough, I should be glad—perhaps it might be Contrived by making two rails pretty high on crotches. If the Horses are turned out, the large Colt must be hopped with the Iron hoppers.

If you should see Mr Sears, do direct him to let Mrs. Hughes know, that I do not expect to let her the House at E Town any longer than this Spring.

I have seen Sir Guy's general Orders, but have no Idea that he intends to pay rents. It is evidential of an expected evacuation, and he means to secure what Property is left to the Owner unhurt. I do not remember the Date of Peters Marriage, but think it was in 1764 and before his Sale to his Mother, but I believe not before his Mortgage. As to the Cypher—I see no danger, provided the Process agt. Mr J—— was taken out in Essex and provided you have nothing to do with bringing it about; let the Action be brought in the common form

without any consultation with you about it. You have only to consider, that in Case the Jury should take it in their Heads to give the whole agt you, how you would like to lug out the Cash now.

I recd a Letter from Marsden dated [. . .] Decr. He was well. Perhaps I may enclose it. Do send me some Beet seed if you have any & a few Carrotts.

I am my Dr Sir with Love to all as if named. Yours Afftly. B

RC (NN: Emmet Collection).

¹ Not found; but Robert Morris' reply to a February 21 letter from Pintard concerning his resignation as commissioner for settling New Jersey's Continental accounts is in Morris, *Papers* (Ferguson), 7:491.

Daniel Carroll to Daniel of St. Thomas Jenifer

Sr., Pha. Feby 25th. 1783

Stan has made your Shoes—cost 18/9 per pair. They shall be sent by the first favourable opportunity.

Mr. Hemsely joind me yesterday,¹ & we are exceedingly disapointed in the posts not coming in—as we expect an answer from the G & C,² if not from yourself to the Letters I wrote the post before last.

We have received no intelligence—the news paper contains every thing current.

I am Sir, with esteem, Your Mo Obe Servt Danl. Carroll

RC (MdAA: Red Books).

¹ William Hemsley resumed his seat in Congress this day. *JCC*, 24:145.

² That is, Governor & Council.

Carroll and Hemsley also wrote the following brief letter to Gov. William Paca this day: "The inclosed paper contains all the intelligence in our power to give you. Congress have receivd nothing from Europe since the latter end of Octob.

"We flatterd ourselves with the hopes of hearing from you by the post. He is not arriv'd; whereby we are left in a Situation exceedingly distressing." Red Books, 4:137, MdAA.

James Madison's Notes of Debates

No Congress till Teusday 25 [February 1783].

In favor of the motion of Mr. Gilman to refer the officers of the army for their half pay to their respective States¹ it was urged that this plan alone would secure to the officers any advantage from that engagement: since Congress had no independent fund out of which it could be fulfilled, and the States of Cont. & R. I. in particular would not comply with any recommendation of Cong. nor even requisition for that purpose. It was also said that it would be satisfactory to the

officers; and that it would apportion on the States that part of the public burden with sufficient equality. Mr. Dyer said that the original promise of Congress on that subject was considered by some of the States as a fetch upon them, and not within the spirit of the authority delegated to Congress. Mr. Wolcot said the States wd. give Congs. nothing whatever unless they were gratified in this particular. Mr. Collins said R. I. had expressly instructed her delegates to oppose every measure tending to an execution of the promise, out of monies under the disposition of Congress.

On the other side it was urged that the half pay was a debt as solemnly contracted as any other debt; and was consequently as binding under the 12th article of Confederation on the States,² & that they could not refuse a requisition made for that purpose; that it would be improper to countenance a spirit of that sort by yielding to it; that such concessions on the part of Congs. wd. produce compliances on the part of the States, in other instances, clogged with favorite conditions; *(that a reference of the officers to the particular States to whose lines they)* belong, would not be satisfactory to the officers of those States who objected to half pay, and would increase the present irritation of the army; that to do it without their unanimous consent would be a breach of the army contract by which the U. S. collectively were bound to them; and above all that the proposed plan, which discharged any particular State which should settle with its officers on this subject, altho' other States might reject the plan, from its proportion of that part of the public burden, was a direct and palpable departure from the law of the Confederation. According to this instrument the whole public burden of debt must be apportioned according to a valuation of land, nor cd. any thing but unanimous concurrence of the States dispense with this law. According to the plan proposed so much of the public burden as the $\frac{1}{2}$ pay sd. amount to, was to be apportioned according to the number of officers belonging to each line; the plan to take effect as to all those States which should adopt it, without waiting for the unanimous adoption of the States, and that if Congress had authority to make the number officers the rule of apportioning one part of the public debt on the States, they might extend the rule to any other part or the whole, or might substitute any other arbitrary [rule] which they should think fit.³

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:282–85.

¹ See JCC, 24:146–47. For the antecedents of this debate, see Madison's Notes, January 13 and February 4, 1783. See also these *Letters*, vols. 8, 9, 12, 13, 15, and 16 under entries indexed "half-pay plan."

² Which provided that "All bills of credit emitted, monies borrowed and debts contracted by, or under the authority of congress, before the assembling of the united states, in pursuance of the present confederation, shall be deemed and considered as a charge against the united states." JCC, 19:221.

³ Madison later completed this entry to read: "The motion of Mr. Gilman was negatived, see the ays & noes on the Journal," for which see JCC, 24:148.

James Madison to Edmund Randolph

My dear Sir

Philada. Feby. 25th. 1783.

Congress are still engaged on the subject of providing adequate revenues for the public debts, particularly that due to the army. The recommendation of the Impost will be renewed with perhaps some little variation, to which will be superadded probably a duty on a few enumerated art[i]cles. {Master Mercer altho' he} ¹ continues to {be adverse to} the {measure declares now that he will not carry his opposition out of Congress}. Whether any other general revenues will be recommended is very uncertain. A poll tax seems to be the only one sufficiently simple & equal for the purpose, and besides other objections to which even that is liable, the Constitution of Maryland which interdicts such a tax is an insuperable bar. The plan talked of by some for supplying the deficiency is to call on the States to provide each its proportion of a permanent revenue within itself, and, to appropriate it to the continental debt. The objections against this plan are that as the execution of it will depend on a unanimous & continued punctuality in the 13 States, it is a precarious basis for public credit—that the precariousness will be increased by mutual jealousies among the States that others may be sparing themselves exertions which they are submitting to; and that these jealousies will be still more encreased by the mutual opinion which prevails that they are comparatively in advance to the U. States; an opinion which cannot be corrected without closing the accounts between all of them & the U. States; prerequisites to which are a valuation of the land, and a final discrimination of such parts of the separate expenditures of the States as ought to be transferred to the common mass, from such parts as ought in justice to fall on the particular States themselves. Some States also will contend and it would seem neither agst. the principles of justice nor the spirit of the Confederation, for a retrospective abatement of their share of the past debt according to their respective disabilities from year to year throughout the war. What will be the end of this complication of embarrassments time only can disclose. But a greater embarrassment than any is s[t]ill behind. The {discontents and designs of} the {army are every day taking a more solemn form}. It is {now whispered} that {they have not only resolved not to lay down their arms till justice shall be done them} but that {to prevent surprize a public declaration will be made to that effect}. It is {added and I fear with too much} certainty, {that the influence of General Washington} is {rapidly decreasing in the army insomuch that} it is {even in contemplation to substitute some less scrupulous guardian of their interests}.²

There are a variety of rumours concerning peace but none of them of sufficient authority to be particularized. The Speech of the King of G. B. to his parliament and the letter to the Lord Mayor of London

from Secy. Townsend as it is stated are the only respectable evidence yet recd. There are also rumours on the adverse side which have still less the complection of authenticity.

A quantity of cloathing on its passage through this State to the British prisoners of war under a passport of Genl Washington was lately siezed and condemned under a law of this State agst. the importation of British goods. After several fruitless experiments to prevail on the siezors to relinquish their appeal to the law, the Legislature have I am told cut the business short by declaring the law as far as it interfered with the authority of the passport to be unconstitutional & void ab initio.³

You will suffer me to renew my exhortations to you to an exchange of your office under the State for a seat in the Legislature. It depends much in my opinion on the measures which may be pursued by Congress & the several States within the ensuing period of 6 months whether prosperity & tranquility, {or confusion and disunion} are to be the fruits of the Revolution. The seeds of the latter are so thickly sown that nothing but the most enlightened and liberal policy will be able to stifle them. The {Eastern states} particularly {Massachusetts conceive} that {compared with} the {Southern} they are greatly in {advance in} the {general accounts}. A respectable {delegate from Massachusetts} a few days ago being a little {chafed} by some {expressions of Masters Lee and Mercer} unfavorable {to loan office creditors} said that if {justice} was not to be {obtained thro} the {general} confederacy, {the sooner} it {was known the better} that some {states} might be {forming other confederacys adequate to the purpose} adding that {some had suffered} immensely {from the want of a} proportional compliance with demands for men & money {by others}.⁴ However erroneous these ideas may be, do they not {merit serious attention?} Unless some amicable & adequate arrangements be speedily taken for adjusting all the subsisting accounts and discharging the public engagements, a {dissolution of the union} will be {inevitable}. Will not in that event the {S[outhern] S[tates] which at sea} will be {opulent &} weak, be an {easy prey to the eastern} which {will be powerful and rapacious? &} particularly if supposed {claims of justice} are {on the side of the latter} will they not be a {ready pretext for reprisals?} The consequence of such a situation would probably be that {at alliances} would be {sought} first {by the weaker and then by the stronger party &} this {country} be {made subservi[ent] to the wars & politics of Europe}.

I enclose you the residue of the Extract from Mr. J——s remarks, according to my promise.⁵ I could have wished for another conveyance than the post, but preferred the latter to the uncertainty of finding such an one. The badness of the roads or something else has prevented the arrival of the post as yet, so that I must suspend acknowledgmt. of your favor by him till the next week.

Adieu.

RC (DLC: Madison Papers). In Madison's hand, though not signed. Madison, *Papers* (Hutchinson), 6:285–87.

¹ Words printed in braces in this text were written by Madison in a cipher supplied by Randolph.

² See Madison's Notes, February 20, 1783, note 7.

³ *Ibid.*, note 4.

⁴ For Nathaniel Gorham's observations, see Madison's Notes, February 21, 1783.

⁵ For Thomas Jefferson's "remarks," see Madison to Randolph, December 30, 1782, note 8, and February 18, 1783, note 5.

Elias Boudinot to George Washington

Dear Sir,

Philadelphia, 26th Feb. 1783

I had the honor of receiving your Excellency's letter of the 30th ult. which I immediately laid before Congress, who, without delay, gave it the full attention it deserved. The result of their deliberations I do myself the pleasure to enclose.¹

The Secretary of Foreign Affairs will make the confidential communication to your Excellency mentioned therein, I hope, by this opportunity.² The critical state of our Finances obliges Congress to the most disagreeable parsimony, altho' the objects proposed, are certainly of the highest consequence, and which will engage their attention, at all events, in case of the least change of appearances.

By a Vessel arrived yesterday from Teneriffe, and one a few days ago at Baltimore from St. Kitts, there are various Reports about all negotiations for Peace being broke up at Paris; but sifting them well and duly considering dates and other circumstances, they amount to nothing worthy of attention.

I have the honor to be, Sir, with the highest sentiments of respect and esteem, Your Excellency's Most obedient & very humb. Servt.

Elias Boudinot

RC (DLC: Washington Papers). In a clerical hand and signed by Boudinot.

¹ In his January 30 letter to Congress, Washington had sought advice on what preparations should be made with the army "in case a Peace shd. not take place in consequence of the present Negotiations." Despite Boudinot's explanation that it had been "immediately laid before Congress" and taken up "without delay," the letter was not read and referred to committee until February 11, and Boudinot allowed six days to elapse after Congress adopted the enclosed February 20 resolutions affirming the "appearances of an approaching peace" before sending this letter. See *JCC*, 24:126, 142; *PCC*, item 152, 11:67–72; and Washington, *Writings* (Fitzpatrick), 26:82–86.

² Robert R. Livingston's "confidential communication" of this date on "the state of the negotiations for peace when the last advices were received" is in the Washington Papers, DLC; and Wharton, *Diplomatic Correspondence*, 6:265–66.

John Taylor Gilman to Meshech Weare

Sir

Philada Feby. 26th. 1783.

I wrote you a Letter last Post,¹ and then Expected it would have been in my Power to have given you some further accounts from Europe respecting the Negotiations for Peace by this, but am still destitute of Authentic information, as it is a long time since Letters were received from our Commissrs. in Europe. It is an (almost Universal) Opinion here, that Peace is nigh at hand, are daily Expecting a Packett from Europe; for my own part, though I have but little doubt but Peace is nigh at hand, yet the Object is so great and so desirable that a Confirmation of it would be highly pleasing.

By the latest accounts from New York, it does not appear that the Enemy have any late direct Intelligence from Europe.

The business respecting Funds, Half-Pay, Rations &c. and that of Vermont, remain in much the same State as when I wrote you last on those Subjects.

I have the Honor to be, Your most Hum. Servt.

John Taylor Gilman

RC (MHi: Weare Papers).

¹ See Gilman to Weare, February 19, 1783.

Nathaniel Gorham to Caleb Davis

Dear Sir,¹

Philadelphia Feby. 26 1783

Mr. Bingham of this place who was some time Agent for the Board of Warr at Martinico has in his hands a ballance due to Government, which he informs me he is ready to pay to any person authorised to recive it. I suggest to you the propriety of furnishing me with a power of attorney or an order on him for it, which would prevent the necessity of my drawing money for my support here out of the Treasury, where it is wanted for other purposes. I am uncertain wither it lay with you or the Committe of accounts to adjust those ballances. However if a power comes it must be accompanyd with the several votes of Court for dissolving the Board & placing the powers in other hands. I have wrote to my Brother on the subject,² do confer with him on the subject. The Leiut-Governor in a Letter to Docr. Holten³ represents the exertions of Massachusetts—(which you & I know are great) and compares them with some of the other States and asks wither we think the people will long bear it. We can only answer that the powers of Congress are not adequate to the means of doing justice between the States—and that while the States continue so jealous of Congress they cannot be made so. I perceive the Boston News papers contain inflam-

atory peices against the impost which with other circumstances may possibly so farr prevail as to induce a repeal—but I am more & more convinced that those States which have beene forward will never obtain justice untill funds are established—and Unless such establishments are made or some alteration in the articles of confederation take place the union must ere long dissolve. Virginia have now only one Regiment of Soldiers & have paid no more than 35 thousand dollars of the 8 millions & have sent word to Congress that they can pay very little more on that requisition & at the same time are very averse to funds—the army very desirous of their two years wages and a sett[le]m[ent], and if a peace as expected Soon takes place what shall we do with them if they refuse (As some people expect) to disband. Our situation will be bad enough—the publick creditors are very clamourous for their interest—and Congress under all those difficultys a mear shadow. I write this in confidence as some people would say from those sentiments that my head was turnd that I was intoxicated with power &c. not considering that in a few months I should be as much under the power of Congress as any man whatever—but let such people be some time in Congress & they will alter their opinion. I am with esteem Sir Your friend & humble sevt,

Nath Gorham

[P.S.] Inclosed is a few news papers. Do write me an account of your politics—and excuse haste.

RC (MHi: Caleb Davis Papers).

¹ Caleb Davis, who has been identified in these *Letters*, 11:288n.1, was serving as the Massachusetts agent for purchasing military supplies.

² Not found.

³ See the following entry.

Samuel Holten to Thomas Cushing

Dear Sir ¹

Philadelphia 26th February 1783

I have been honor'd with yours of the 9th inst., & thank you for your favorable opinion of my attentions.

I am sensible it is difficult for me to give such an answer as will be satisfactory why the burthens of the war are not more equably borne, but no doubt you are sensible it has been so from the beginning of the contest; & permit me to ask whether it is in the power of Congress, constitutionally, to prevent it, they seem to be sensible of it, and are endeavoring to take such measures as may be most likely to remove the burdens, so justly, complained of, & to prevent the like in future; it is easy for people to say why don't Congress do this or that, but the inquiry shou'd be what are they authorized to do.

You are pleas'd to mention the situation of the eastern part of our state, but I am not able to comprehend what you have reference to in

the late movements of the enemy respecting the eastern parts; My colleagues as well as myself are not insensible of the situation of that people, & Congress, as I apprehend, was well informed respecting that part of the country when they gave their instructions to their ministers to negotiate a Peace; therefore as Congress have great reason to expect that peace will soon take place, I have no expectation that any further instructions will be sent to our ministers at present, & we have this satisfaction that Mr. Adams who is one of our negotiators is undoubtedly acquainted with that part of the country.

I must beg leave to refer you to the inclosed newspapers for the intelligence of the day.

I have the honor to be, with the greatest respect, your most obedient;
S. Holten

RC (DLC: Miscellaneous Manuscripts). FC (MHi: Holten Papers). Endorsed by Holten: "Copy of a letter to Lt. Governr. Cushing Feby. 26th. 1783."

¹ Thomas Cushing, a former delegate to Congress, 1774–76, was lieutenant governor of Massachusetts.

Samuel Holten to James Sullivan

Dear Sir,¹

Phila. 26th February 1783.

I have been honor'd with your attention of the 9th inst. & so far as respects the Eastern part of our state I must beg leave to refer you to mine of the 11th² where I had the honor of addressing you on that subject; but if the war shou'd continue it appears to me that we ought to have assistance from the continent to drive that nest of Tories & Britains out of the state. I think it is kind in you to bring into remembrance a person so well qualified & justly intitled to fill so important a place as your are pleas'd to mention & if such an appointment shou'd become necessary I shall attend to the same.

I inclose you a newspaper which contains the intelligence of the day.

I am, with great respect, your most obedient

FC (DLC: Holten Papers). In the hand of Samuel Holten.

¹ James Sullivan, who was a non-attending delegate to Congress from Massachusetts in 1782–83, has been identified in these *Letters*, 4:75n.1.

² Not found.

James Madison's Notes of Debates

Wednesday Feby. 26 [1783].

Mr. Lee observed to Congress that it appeared from the Newspapers of the day that sundry enormities had been committed by the

Refugees within the State of Delaware, as it was known that like enormities had been committed on the shores of the Chesapeake, notwithstanding the pacific professions of the Enemy;¹ that it was probable however that if complaint were to be made to the British commander at N. York the practice would be restrained, He accordingly moved that a Committee might be appointed to take into consideration the means of restraining such practices. The motion, 2ded by Mr. Peters. By Mr. Fitzimmons the motion was viewed as tending to a request of favors from Sr. Guy.² It was apprehended by others that as Genl Washington & the Commanders of separate armies had been explicitly informed of the sense of Congress on this point, any fresh measures thereon might appear to be a censure on them; and that Congress cd. not ground any measure on the case in question; having no official information relative to it. The motion of Mr. L. was negatived. But it appearing from the vote to be the desire of many members that some step might be taken by Congress, The motion of Mr. Madison & Mr. Mercer as it stands on the Journal was proposed and agreed to, as free from all objections.³

A motion was made by Mr. Hamilton to give a brevet Commission to Majr. Burnet aid to Genl. Greene & messenger of the evacuation of Charleston, of L. Colonel. There being six ays only the motion was lost. N. H. no. Mr. Lee & Mercer no.⁴

The Committee consisting of Mr. Lee &c. to whom had been referred a motion of Mr. Hamilton recommending to the States to authorize Congress to make abatements in the retrospective apportionment by a valuation of land, in favor of States whose ability from year to year had been most impaired by the war:⁵ reported that it was inexpedient to agree to such motion because one State (Virga.) having disagreed to such a measure on a former recommendation of Congress, it was not probable that another recommendation would produce any effect; and because the difficulties of making such abatements were greater than the advantages expected from them.

Mr. Lee argued in favor of the report & the reasons on which it was grounded. The Eastern delegates were for leaving the matter open for future determination when an apportionment should be in question.

Mr. [Madison] said he thought that the principle of the motion was conformable to justice & within the spirit of the Confederation: according to which apportionmts ought have been made from time to time throughout the war according to the existing wealth of each State. But that it would be improper to take up this case separately from other claims of equity which would be put in by other States: that the most likely mode of obtaining the concurrence of the States in any plan wd. be to comprehend in it the equitable interests of all of them; a comprehensive plan of that sort would be the only one that would cut off all sources of future controversy among the States: That

as soon as the plan of revenue sd. be prepared for recommendation to the States it would be proper for Congs. to take into consideration & combine with it every *object which might facilitate its progress, & form a complete provision for the tranquility of the U. States. The Question on Mr. Hamilton's motion was postponed.⁶

The letter from Mr. Morris requesting that the injunction of secrecy might be withdrawn from his preceding letter signifying to Congress his purpose of resigning was committed to.⁷

*He⁸ had in view the followg. objects—1. the abatements proposed by Mr. Hamilton. 2. a transfer into the common mass of expences of all the separate expences incurred by the States in their particular defence. 3. an acquisition to the U. States of the vacant territory. The plan thus extended would affect the interest of the States as follows, viz. N. Hamshire would approve the establishment of a General revenue, as tending to support the confederacy, to remove causes of future contention, and to secure her trade against separate taxation from the States thro which it is carried on. She would also approve of a share in the vacant territory. Having never been much invaded by the Enemy her interest would be opposed to abatements, & throwing all the separate expenditures into the common mass. The discharge of the public debts from a common treasury would not be required by her interest, the loans of her citizens being under her proportion. See the Statement of them.⁹

Massachusetts, is deeply interested in the discharge of the public debts. The expedition to Penobscot alone interests her, as she supposes, in making a common mass of expences: her interest is opposed to abatements. The other objects wd. not peculiarly affect her.

Rhode Island as a weak State is interested in a general revenue as tending to support the confederacy and prevent future contentions, but against it as tending to deprive Her of the advantage afforded by her situation of taxing the commerce of the contiguous States. as tending to discharge with certainty the public debts, her proportion of loans interest her rather against it. Having been the seat of the war for a considerable time, she might not perhaps be opposed to abatements on that account. The exertions for her defence having been *previously* sanctioned, it is presumed in most instances, she would be opposed to a common mass of expences.¹⁰ In the acquisition of vacant territory she is deeply and anxiously interested.

Connecticut is interested in a general revenue as tending to protect her commerce from separate taxation by N. York & Rhode Island: and somewhat as providing for loan office creditors. Her interest is opposed to abatements, and to a common mass of expences.¹¹ Since the condemnation of her title to her Western claims, she may perhaps consider herself interested in the acquisition of the vacant land. In other respects she wd not be peculiarly affected.

N. York is exceedingly attached to general revenue as tending to support the confederacy and prevent future contests among the States. Although her citizens are not lenders beyond the proportion of the State, yet individuals of great weight are deeply interested in provision for public debts. In abatements N. York is also deeply interested. In makg. a common mass also interested, and since the acceptance of her cession, interested in those of other States.

N. Jersey is interested as a smaller State in a general revenue as tendg to support the confederacy, and to prevent future contests and to guard her commerce agst. the separate taxation of Pennsylvania & N.Y. The loans of her Citizens are not materially disproporti[on]ate. Although this State has been much the theatre of the war, she wd. not perhaps be interested in abatements. Havg had a previous sanction for particular expenditures, her interest wd. be opposed to a common mass. In the vacant territory, she is deeply and anxiously interested.

Penna. is deeply interested in a general revenue, the loans of her Citizens amounting to more than $\frac{1}{3}$ of that branch of the public debt. As far as a general impost on trade would restrain her from taxing the trade of N. Jersey it would be against her interest. She is interested against abatements; and against a common mass, her expenditures having been always previously sanctioned.¹² In the vacant territory she is also interested.

Delaware interested by her weakness in a general revenue as tending to support the confederacy & future tranquility of the States; not materially by the credits of her Citizens. Her interest is opposed to abatements & to a common mass. To the vacant territory she is firmly attached.

Maryland. Having never been the Seat of war & her Citizens being creditors below her proportion, her interest lies agst. a general revenue, otherwise than as she is interested in common with others in the support of the Confederacy & tranquility of the U. S., against abatements, and against a common mass. The vacant is a favorite object to her.

Virga. in common with the Southern States as likely to enjoy an opulent and defenceless trade is interested in a general revenue, as tending to secure to her the protection of the Confederacy agst. the maritime superiority of the E. States; but agst it as tending to discharge loan office debts and to deprive her of the occasion of taxing the commerce of N. Carolina. She is interested in abatements, and essentially so in a common mass, not only her excentric expenditures being enormous; but many of her necessary ones havg. rcd. no previous or subsequent sanction. Her cession of territory would be considered as a sacrifice.

N. Carolina. interested in a general revenue as tending to ensure the protection of the Confederacy agst. the maritime superiority of the E. States and to guard her trade from separate taxation by Virginia and S. Carolina. The loans of her Citizens are inconsiderable.¹³ In

abatements and in common mass she is essentially interested. In the article of territory, she would make a sacrifice.

South Carolina is interested as a weak & exposed State in a general revenue as tending to secure to her the protection of the confederacy agst. enemies of every kind, and as providing for the public creditors, her citizens being not only loan offices creditors beyond her proportion, but having immense unliquidated demands agst. U. States. As restraining her power over the commerce of N. Carolina, a general revenue is opposed by her interests. She is also materially interested in abatements, and in a common mass. In the article of territory her sacrifice wd. be inconsiderable.

Georgia as a feeble, an opulent, & frontier State is peculiarly interested in a general revenue, as tending to support the confederacy. She is also interested in it somewhat by the credits of her Citizens. In abatements She is also interested, and in a common mass, essentially so. In the article of territory She would make an important sacrifice.

To make this plan still more complete for the purpose of removing all present complaints, and all occasions of future contests, it may be proper to include in it a recommendation to the States to rescind the rule of apportioning pecuniary burdens according to the value of land, & to substitute that of numbers, reckoning two slaves as equal to one free man.

For a state of the loan office debt turn over,¹⁴

	Specie dollars ¹⁵	
N. H.	336,579.58.7	} This it is to be observed is only the list of loan office debts. The unliquidated debts and liquidated debts of other denominations due to individuals will vary inexpressibly the relative quantum of credits of the several States. It is to be further observed that this only shews the original credits, transfers having been constant. Heretofore they have flowed into Pa. Other States may hereafter have an influx.
Mas.	2,361,866.66.5	
R. Island	699,725.37.4	
Cont.	1,270,115.30	
N. York	949,729.57.5	
N. Jersey	658,883.69.	
Pena.	3,948,904.14.4.	
Delaware	65,820.13.7	
Maryland	410,218.30.	
Virga.	313,741.82.3.	
N. Carolina	113,341.11.1	}
S. Carolina	90,442.10.1	
Total	11,437,410.80.	

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:289-97.

¹ A report had appeared in the February 25 issue of the *Pennsylvania Packet* that a schooner recently arrived from Grenada had exchanged shots "with three refugee boats" in Delaware Bay after being chased by a brig off the Virginia coast, and an account of burning and looting by refugee raiders led by British officers from New York was printed in the same paper two days later.

² That is, Sir Guy Carleton, commander in chief of the British army in North America.

³ See *JCC*, 24:149.

⁴ There is no mention of this motion or vote in the journals, but for a previous mention of Maj. Ichabod Burnet, see Madison's Notes, January 17, note 3.

⁵ See *JCC*, 24:138; Hamilton, *Papers* (Syrett), 3:259–60; and Madison's Notes, February 17, 1783.

⁶ For Hamilton's view on this subject, see also Hamilton to George Clinton, February 24, 1783.

⁷ That is, to Nathaniel Gorham, John Rutledge, and Oliver Wolcott, but contrary to the impression left by Madison here (and made explicit in his Notes for the 27th), Congress actually took action on Morris' request this day and "annulled . . . the injunction of secrecy" on his January 24 letter as requested. See PCC, item 186, fol., 85; *JCC*, 24:151; and Morris, *Papers* (Ferguson), 7:361–71, 462–74.

⁸ That is, Madison himself, who wrote this long note across the bottom portion of this and the next eight pages of his notes. Madison also repeated the substance of this note in a memorandum that he prepared for Thomas Jefferson several days later, after the latter's return to Philadelphia from Baltimore, for which see Madison's Memorandum on a Revenue Plan, March 6? 1783.

⁹ That is, the statement of the loan office debt listed at the end of Madison's note.

¹⁰ In contrast (in appraising Rhode Island's interest in "a common mass of expences"), Madison wrote "Not opposed to abatements, nor agst. a common mass," in his Memorandum on a Revenue Plan, March 6? 1783.

¹¹ Cf. "in favor of common, having often employed militia without sanction of Cong.," in *ibid*.

¹² Cf. "Not interested in abatements, nor common mass, but has espoused both," in *ibid*.

¹³ At this point in *ibid.*, Madison added "but their claims for supplies must be great."

¹⁴ That is, to the next page of Madison's manuscript notes, where he wrote the following figures on the loan office debt.

¹⁵ Madison apparently derived these figures from the superintendent of finance, but had difficulty in reporting them. For example, he omitted Georgia from the list, set down Georgia's total of \$90,442.10.1 opposite South Carolina (instead of that state's debt of \$218,042.48.3), and reported figures for both New Hampshire and Connecticut different from Morris' tabulation. Finally, the sums Madison listed here actually total \$11,219,367.80.7, rather than \$11,437,410.80 as given, and compared to the figure \$11,400,485.64.1 that Morris reported to Congress on March 10, for which see Morris, *Papers* (Ferguson), 7:546.

Oliver Wolcott to Laura Wolcott

Sir,

Philadelpa. 26 Feb. 1783

I write to some of you every week altho I have but little to say except to inform you of my Hea[*I*]th and some ordinary personal occurences as We have not had much News which may be depended upon since receiving the Kings Speech. The Negotiations by the best Accounts were proceeding, and suppose that they would probably terminate in a Settlement. This I do not mention upon any special Knowledge which I have of the Subject but upon Probabilities as they may be learnt from Facts. I have heard nothing from home since Rhina Letter, I should have expected it by the last Post, but he brot no Letters East of the Hudson, as that River had been impassable.

Take care of your Heath. My Love to my children. May the almighty bless you and them. Yours affectionately,

Oliver Wolcott

Daniel Carroll to Daniel of St. Thomas Jenifer

Dear sr.

Pha. 27 Feby 1783

The inclosd will show that *nothing* to be expected from Mr. McClanaghan. I waited on him—he made objections—I wrote to him (copy inclosd), he sent the inclosd answer,¹ & the Letter for you.

Whatever his motives may be for refusing payment, the effect is the same to us. I Say to us, for Mr. Hemseley is now here, & I shoud have thought it proper to have made a division with him.

You must know by experience the situation I am in—at least in a degree, but there are very particular Circumstances, which contribute to make that situation more distressing than you ever Knew it. It will appear in the same light to you when I shall have the pleasure of seeing you, & communicating those circumstances.

I inclose this to Mr Calhoun, with a particular request to him to forward it to you, that no time may be lost, which really the situation I am in will not admit.

With respect, & esteem, I am sr. Yr. Mo Obt Ser,

Danl Carroll

RC (MdAA: Red Books).

¹ The following February 26 letter to Blair McClenachan, and McClenachan's reply, are in the Red Books, 10:33–34, MdAA; and *Calendar of Maryland State Papers: The Red Books*, 3 vols. (Annapolis: Hall of Records Commission, 1950–52), 1:212.

"When I had the pleasure of seeing you this morning, I was in hopes, that the acct. sent me by the Intendant of Maryland, cou'd have been adjusted, & the Balla. paid; But finding you had some objections I look'd over his letter to me, wherein he says that he expects less than the half of the 5 hogsheads will more than make good pillage, and on looking over the agreemt. you enterd into with him, I find that no allowance is to be made where Tobacco hogsheads are not broke, by which I understand that difference of weight, was not to be accounted for, but where it was occasiond by pillage. Under these circumstances, I do not suppose the Balla. can be exactly ascertaind at this time—but as Mr Jenifer, on this acct for Supplying me with a Sum of money, please to let me Know whether it wou'd be agreeable to you to discharge so much of the acct. as it may amt. too without calculating the 5 hogsheads, which may remain to be accounted for agreeable to the terms of the agreement—if not, you will please to favor me with an answer, which I shall have an opportunity of forwarding this Evening."

Joseph Jones to George Washington

Dr. Sr.

Philada. 27th February 1783

Your favors of the 14th Decr. last and the 11th inst. have been duly received¹—a series of ill health through the fall and the greatest part of the winter and which untill very lately rendered my attendance in Congress seldom and very irregular must be my apology for suffering the first to remain so long unanswered.

Congress have been for some time past almost wholly employed in devising some general and adequate funds for paying the interest and

in time sinking the principal of the public debt as well as to provide for future loans should the continuance of the War render borrowing necessary—difficulties apparently insurmountable presented themselves in almost every stage of the business, owing to the different circumstances of the several States, and the necessity, that the subjects selected for taxation to form the funds, should operate throughout them all, generally and equally, or nearly so to make them acceptable. After opening and discussing a variety of questions, no object has been yet discovered, to which so few objections lie, as the impost duty formerly recommended to the States, and which, with some alterations from the former plan to obviate the objections that have been raised, has been agreed to in a Comtee. of the whole and will I think be finally adopted. What this duty, when granted by the States will amount to annually, is very uncertain—in time of peace there can be no doubt but it will be considerable and for years prove an increasing fund, but it is thought by no means adequate to the payment of the interest and sinking the principal of the national Debt. Other means have therefore been considered in aid of the impost Duty—Land, Polls, Salt, Wine, Spirits, Tea &c, these last being what are called luxuries it is thot may bear a small tax in addition to the impost duty. I fear at present few of these will go down, and that we shall be obliged at last to rest the payment of the public debt upon the mode prescribed by the *Confn.* (requisitions proportioned on the States according to the value of land, buildings &c, a plan for obtaining which scale of proportion has been digested and agreed upon in Congress and will immediately go on to the States,) and the produce of the 5 Per Cent duty if granted. A small poll tax, did not the Constitution of Maryland stand in the way, might probably succeed, as it woud. operate more equally perhaps then any other, and may be adopted, allowing Maryland to substitute some other adequate and productive fund in its room. A short time will bring to a conclusion our efforts on this business, which I am in hopes will terminate in the adoption of such measures as may be acceptable to the States, and produce the granting such funds as will restore public credit, give value to the great mass of depreciated certificates, and enable Congress to render, to every Class of the public Creditors, ample justice. Congress have the purest intentions towards the public Creditors, and will use their best exertions in obtaing from the States the means to do them speedy and compleat justice—such is their opinion of the merit and services of the Army that did it not wound the sense of justice, they want not the inclination to give them the preference to any other class of Creditors but equity and sound policy forbid discrimination and Partial distinctions. One ground of discontent in the Army, and on which they found the opinion, that justice is not intended to be done to them, is the delay in complying with their requests—but with those acquainted with the deliberations of public bodies, and especially of so mixed a Body as that of Congress, allowances will be made for slow determination.

Every class of public Creditors must know the inability of Congress to pay their demands, unless furnished with the means by the several States, and the exertions of that body have not been wanting, heretofore, to obtain the means, though they have not produced the desired effect. The measures now digesting will, there is good reason to expect, prove more efficacious, for obvious reasons. Reports are freely circulated here that there are dangerous combinations in the Army, and within a few days past it has been said, they are about to declare, they will not disband untill their demands are complied with. I trust these reports are not well founded, and that the Army will exercise awhile longer at least, that patient forbearance, which hath hitherto so honourably distinguished them—to you it must be unnecessary to observe, that when once all confidence between the civil and military authority is lost, by intemperate conduct or an assumption of improper power, especially by the military body, the Rubicon is passed and to retreat will be very difficult, from the fears and jealousies that will unavoidably subsist between the two Bodies. To avoid therefore the adoption by the army of any [hasty and] rash measure, should employ the attention, and draw forth the exertions of every worthy officer in it—for from these alone can opposition be expected. The Ambition of some, and the presence of distress in others, may produce dangerous combinations founded on the pretence that justice is delayed, and will be refused to them—the protest is plausible and ensnaring, and may draw into engagements the unsuspecting honest Soldier, from which it will be difficult to extricate himself, even when he sees the dangers they lead to. If there are Men in the Army who harbour wicked designs, and are determined to blow the coals of discord, they will gradually endeavour to hurt the Reputation of those, averse to their projects, and by sinister practices lessen their weight and influence among the Soldiery. I have lately heard there are those who are abandoned enough to use their arts to lessen your popularity in the Army, in hopes ultimately the weight of your opposition will prove no obstacle to their ambitious designs. If this be true, and they are likely to succeed, I own it will prove a bad prognostic of the future & I shall be among the number of those who entertain fears of the Army, and doubt that Peace will not be followed by its usual blessings to America. Whether to temporise, or oppose with steady unremitting firmness, what is supposed to be in agitation of dangerous tendency, or that may be agitated, must be left to your own sense of propriety, and better judgment.²

With respect to the business of Vermont I think you need not be uneasy from apprehensions that the Army or any part of them will be employed to enforce a compl[iance] with the act of the 5th of Decr. last should the people of Vermont refuse a compliance with that demand at least for some time to come if ever. To go into detail upon

this matter woud. be prolix and rather improper for the scope of a letter. It cannot be denied that the act of Congress of the of Augt.³ opened the prospect to Vermont, of an acknowledgement of their independence and admission into the Union—altho' it gave ground of hope, it was not conclusive, and the legislature of Vermont absolutely rejecting the offer, and recommending to the people an inviolable adherence to their Union and encroachments on the adjoining States (and which, as well as other unwarrantable acts they have unjustly concealed from the public in their remonstrance) released Congress from their offer, and left them at liberty afterwards to accept or refuse as they saw fit, when Vermont repenting of her conduct at a future period complied—a particular state of things produced the act of Congress, a change of circumstances afterwards dictated the delay in determining on their proposition, and the report of a Committee to whom it was referred. That Report authorizes observations I decline to make—this proceeding in Congress they stile a violation of the Compact entered into with them. There always has been a strong opposition to the claims of Vermont and their admission into the Union. Virginia has generally been among the number of her opponents, not so much perhaps upon the question of independence as the impolicy of her admission into the Union, while several very important questions of local concern remained undetermined, and untill these great points are settled the consent of Virginia I expect will be withheld and if before obtained, it will be a sacrifice of her Opinion to the peace and commonweal of the U. States. If Vermont confines herself to the limits assigned her, and ceases to encroach upon and disturb the quiet of the adjoining States, at the same time avoiding combinations or acts hostile to the U. States, she may be at rest within her limits, and by patient waiting the convenient time, may 'ere long be admitted to the privileges of Union. The influence Vermont has gained in the Army and in some of the States that espouse her cause, do little credit to the parties concerned, and to this influence is in a great measure to be ascribed the variable, indecisive conduct of Congress, respecting the claims of that people. The remonstrance states the receipt of *Official* letters recommending a compliance with the act of Congress, and intimates yours to be of the number, and that these communications influenced them to comply. The assertion is wrong as to yours and may be equally false as to others, and is one proof among a variety of others of the disingenuity and want of candour in Vermont—it exhibits also very little respect to this Body, when they ascribe their compliance to other motives than the recommendation of Congress.

Seven States have voted 5 years whole pay as the commutation for the half pay to the officers—but the resolution has not passed the House being postponed for the present from an opinion prevalent

with many, that the consent of nine States is necessary to give it validity.⁴ Delaware and Georgia are absent, were they represented, probably the vote wd. be sufficient.

That we shall have peace soon is almost reduced to a certainty—but my fears are it will not be attended with their blessings generally expected. There are so many great questions very interesting to particular states unsettld, which require speedy determination to preserve quiet, that it is difficult to avoid uneasy impressions for their consequences—the present conjuncture, perhaps, above all others America has experienced, calls for good dispositions in the States, and moderation and wisdom in their Councils. May the Spirit of Union govern them is the earnest wish of D Sr., yr aff hum. Servt, Jos. Jones.

RC (DLC: Washington Papers). Missing words from Jones, *Letters* (Ford), pp. 97–103.

¹ For Washington's letters of December 14 (on the army's forthcoming "Address" to Congress "on the subject of their grievances"), and of February 11 (on the difficulties of using force against Vermont), see Washington, *Writings* (Fitzpatrick), 25:430–31, 26:121–24.

² It was apparently this first portion of Jones' letter that Washington used to such dramatic effect on March 15, 1783, in quelling the so-called "Newburgh Conspiracy," for which see Freeman, *Washington*, 5:435n; and C. Edward Skeen, "The Newburgh Conspiracy Reconsidered," *WMQ*, 31 (April 1974): 288n.52.

³ That is, 21st of August, 1781, for which see these *Letters*, 17:549n.3.

⁴ Since Congress did not vote on this issue until February 28, Jones must have completed this letter on that date, even though he wrote "27th February" at the close. See *JCC*, 24:154–56; and James Madison's Notes of Debates, February 28, 1783.

James Madison's Notes of Debates

Thursday Feby. 27 [1783].

On the report of the Come. on Mr. Morris's letter the injunction of secrecy was taken off without dissent or observation.¹

The attention of Congress was recalled to the subject of half pay by Messrs. Dyer & Wolcot, in order to introduce a reconsideration of the mode of referring it separately to the States to provide for their own lines.²

Mr. Mercer favored the reconsideration, representing the commutation proposed, as tending in common with the funding of other debts, to establish & perpetuate a monied interest in the U. S., that this monied interest would gain the ascendance of the landed interest, would resort to places of luxury & splendor, and by their example & influence, become dangerous to our republican constitutions. He said however that the variances of opinion & indecision of Congress were alarming & required that something should be done; that it wd be better to newmodel the Confederation, or attempt any thing rather than do nothing.

Mr. [Madison] reminded Congs. that the commutation proposed was introduced as a compromise with those to whom the idea of pensions was obnoxious & observed that those whose scruples had been relieved by it had rendered it no less obnoxious than pensions by stigmatizing it with the name of a perpetuity. He said the public situation was truly deplorable. If the payment of the capital of the public debts was suggested, it was said & truly said to be impossible; if funding them & paying the interest was proposed, it was exclaimed agst. as establishing a dangerous monied interest, as corrupting the public manners, as administering poison to our republican constitutions. He said he wished the revenue to be established to be such as would extinguish the capital as well as pay the interest within the shortest possible period; and was as much opposed to perpetuating the public burdens as any one. But that the discharge of them in some form or other was essential, and that the consequences predicted therefrom could not be more heterogeneous to our republican character & constitutions, than a violation of the maxims of good faith and common honesty. It was agreed that the report for commuting $\frac{1}{2}$ pay, should lie on the table till tomorrow, in order to give an opportunity to the Delegates of Connecticut to make any proposition relative thereto which they should judge proper.³

The report of the Comm. consisting of Mr. Ghorum, Mr. Hamilton, Mr. Madison, Mr. Rutledge & Mr. Fitzsimmons was taken up. It proposed that in addition to the impost of 5 PerCt. ad valorem, the States be requested to enable Congs. to collect a duty of $\frac{1}{8}$ of a dollar per bushel on salt imported, of $\frac{6}{100}$ per Gallon on all wines do. and of $\frac{3}{100}$ per Gallon on all rum & brandy do.⁴

On the first article it was observed on the part of the East. States, that this would press peculiarly hard on them on acct. of the salt consumed in the fisheries, and that it would besides be injurious to the national interest by adding to the cost of fish, and a draw back was suggested.

On the other side it was observed that the warmer climate & more dispersed settlements of the Southern States, required a greater consumption of salt for their provisions, that salt might & would be conveyed to the fisheries without previous importation, that the effect of the duty was too inconsiderable to be felt in the cost of fish & that as the rum used in the N. E. States being in a great degree manufactured at home, they would have a greater advantage in this respect, than the other States could have in the article of Salt, that a drawback could not be executed in our complicated governmt. with ease or certainty.

Mr. Mercer on this occasion declared that altho' he thought those who opposed a general revenue right in their principles, yet as they appeared to have formed no plan adequate to the public exigences, and he was convinced of the necessity of doing something, he should

depart from his first resolutions and strike in with those who were pursuing the plan of a general revenue.

Mr. Holten said that he had come lately into Congress with a pre-determination against any measures for discharging the public engagements other than those pointed out in the confederation, & that he had hitherto acted accordingly. But that he saw now so clearly the necessity of making provision for that object, and the inadequacy of the confederation thereto, that he should concur in recommending to the States a plan of a general revenue.

A question being proposed on the duty on salt there were 9 ays, N. H. alone being no. R. I. not prest.

It was urged by some that the duty on wine should be augmented, but it appeared on discussion & some calculations, that the temptation to smuggling wd. be rendered too strong & the revenue be thereby diminished. Mr. Bland proposed that instead of a duty on the gallon an advalorem duty should be laid on wine, and this idea after some loose discussions, was agreed to; few of the members interesting themselves therein, and some of them havg. previously retired from Congress.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:297-300.

¹ According to the journals, this action was taken the previous day. See Madison's Notes, February 26, note 7.

² This move by Eliphalet Dyer and Oliver Wolcott, which is not mentioned in the journals, involved a continuation of the proceedings of the previous two days, for which see Madison's Notes, February 25; and *JCC*, 24:149-51.

³ See Madison's Notes, February 28.

⁴ This report, which was written by Madison, was actually submitted in its entirety on March 6, but portions of it were debated this day and the next and on March 3. See *JCC*, 24:170-74; Madison's Notes, March 3 and 6; and Madison, *Papers* (Hutchinson), 6:311-16.

James Madison's Notes of Debates

Friday February 28 [1783].

A motion was made by Mr. Wolcot and Mr. Dyer to refer the half pay to the States, little differing from the late motion of Mr. Gilmon, except that it specified 5 years whole pay as the proper ground of composition with the Officers of the respective lines. On this proposition the arguments used for & agst. Mr. Gilmon's motion were recapitulated. It was negatived, Cont. alone answering in the affirmative and no division being called for.¹

On the question to agree to the report for a commutation of 5 years whole pay, there being 7 ays only it was considered whether this was an appropriation or a new ascertainment of a sum of money necessary for the public service. Some were of opinion at first that it did not fall

under that description: finally, the contrary opinion was deemed almost unanimously the safest, as well as the most accurate.² Another question was whether 7 or 9 votes were to decide doubts whether 7 or 9 were requisite on any question. Some were of opinion that the Secretary ought to make an entry according to his own judgment and that that entry sh. stand unless altered by a positive instruction from Congs. To this it was objected that it wd. make the Secy. the Sovereign in many cases, since a reversal of his entry wd. be impossible, whatever that entry might be; that particularly he might enter 7 votes to be affirmative on a question where 9 were necessary, and if supported in it by a few States it wd. [be] irrevocable. It was said by others that the safest rule wd. be to require 9 votes to decide in all cases of doubt whether 9 or 7 were necessary. To this objected that one or two States and in any situation 6 States might by raising doubts, stop seven from acting in any case which they disapproved. Fortunately on the case in question there were 9 States of opinion that nine were requisite, so the difficulty was got over for the present.³

On a reconsideration of the question whether the duty on wine should be on the quantity or on the value, the mode reported by the Come was reinstated, and the whole report recommitted to be included with the 5 PerCt. advalorem in an act of recommendation to the States.⁴

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:300–301.
¹ For two similar previous efforts to sidetrack the half-pay issue, see Madison’s Notes, February 25 and 27, 1783.
² See *JCC*, 24:154–55.
³ According to the journals, 10 states actually supported this motion. *JCC*, 24:155–56.
⁴ See Madison’s Notes, February 27, note 4.

Alexander Hamilton’s Notes on Funding

[February–April ? 1783] ¹

Debts to be funded probably consist of
Dollars

Foreign debt	6,000,000	@ 4 Per Ct	240,000
Army debt for pay—6,000,000			
Commutation of half pay	<u>4,000,000</u>	10,000,000 @ 6 Per Ct	600,000
Domestic liquidated debt.	12,000,000	@ do	<u>720,000</u>
Unliquidated debt suppose	<u>12,000,000</u>	@ do	<u>720,000</u>
	<u>40,000,000</u>		<u>2,280,000</u>
			1,560,000

to form an aggregate fund for the army debt foreign debt & domestic liquidated debt	Duty on Imports at 5 Per Ct ad valorem suppos-		
	ing the amount of imports to be 18,000,000 . .		900,000
	Salt duty at $\frac{1}{8}$ of a dollar Per bushel estimating consumption at 1,000,000 }		
		125,000	
	do. on Wine $\frac{6}{90}$ Per Gall—Cons: 1,000,000. . .		66,666 $\frac{2}{3}$
	Rum &c.— $\frac{3}{90}$ do. 1,500,000. . .		50,000
	Tea fine— $\frac{6}{90}$ Per ld. 200,000. . .		13,333 $\frac{2}{3}$
	Bohea— $\frac{3}{90}$ Per do. 700,000. . .		23,333 $\frac{1}{3}$
	Sugar— $\frac{2}{3}$ of a doll per Cw 75,000 Cw		50,000
			<u>1,228,333</u>
deduct for charge of collection } smuggling &c. }			
		<u>61,416$\frac{2}{3}$</u>	
Nett			1,166,917
Land tax on Mr. Morris' plan			<u>480,000</u>
			<u>1,646,917</u>

For the unliquidated debt a tax on houses on one of the two following plans.

For every house half a dollar & for every window above six to Eighteen the additional sum of $\frac{1}{8}$ of a dollar Per Window & for every window above Eighteen to thirty $\frac{1}{6}$ of a dollar, for every window above Thirty $\frac{1}{4}$ of a dollar Per window.²

The preceding mode would be most simple & definite and in view of revenue preferable but in point of equality it would not be as eligible as the following.

Every dwelling house to pay the general rate of half a dollar Per house and the particular rate of $2\frac{1}{2}$ Per Cent on the excess of the rent above twenty dollars Per annum.

When the house is rented the calculation should be made on the actual rent when in the occupancy of the owner on an appraised rent—the appraisal to be made once in seven years by Commissioners under oath.

In towns the lot and its appurtenances to be comprehended with the house—in the country the outhouses, orchard & garden & these to be excluded from the land tax.

According to the idea of land quotas—the land & house taxes must be credited to the respective states.

The whole of these revenues to be collected under the authority of Congress.

MS (DLC: Madison Papers). In the hand of Alexander Hamilton. Hamilton, *Papers* (Syrett), 3:248–49.

¹ Hamilton and Madison were appointed to a committee on February 21 (with Thomas FitzSimons, Nathaniel Gorham, and John Rutledge), “to consider further the means of restoring and supporting public credit, and of obtaining from the states substantial funds for funding the whole debt of the United States.” Although Hamilton’s

notes bear little resemblance to the fiscal recommendations found in the committee report Madison submitted on March 6, which were adopted by Congress on April 18, the fact that this document is located in the Madison Papers suggests that Hamilton prepared it for Madison's use during this assignment. The editors of the Hamilton Papers suggest this connection but concede that "the exact purpose for which H[amilton] prepared these notes cannot be determined," and no additional information bearing upon this question has been discovered. See Hamilton, *Papers* (Syrett), 3:249n.1; Madison, *Papers* (Hutchinson), 6:311–16; and *JCC*, 24:144, 170–74, 195–201, 257–61.

² For another expression of Hamilton's interest in "a house & window tax," see Madison's Notes of Debates, January 28, 1783, note 7.

Jonathan Arnold to Nathanael Greene

Dear Sir.

Philadelphia March 2nd. 1783.

Inclosed you will recieve a Letter which came, under cover to me, from the Lady of Govr Greene with which please to accept my Congratulations for the reiterated successes which have attended your Command in the Southern department, productive of a happy termination of Hostilities in that quarter.

This will be handed you by Col. Broadhead to whom I beg leave to refer, for an Account of the present state of Political matters.

I have the honor to be with the greatest respect & esteem, Your very huml Servt.

Jona Arnold

RC (MiU-C: Greene Papers).

Eliphalet Dyer to William Williams

Dear Sir

Philadelphia March 2nd 1783

I recieved your favor by Brown, but he will not give me time to Answer any one letter I recieved by his little tarry & suden departure. Tho the Prospects are here Strong for Peace expect ever day to hear the Conclusion. Congress have a Packet in France sent off with dispatches Early last fall. The moment Peace is Concluded, or if War is to Continue Another Year, she will sail to bring us the Intelligence, but alas should the War Continue Our Army must disband, we Cannot keep them in the field 2 months longer even Subsist them & no pay. Our assembly it seems refuse to raise a farthing. Many others tho they agree to Grant yet pay none. Our Financier has Anounced his resignation to quit the 1st of May. If it should be Peace we are loudly threatned by our Army. They will not disband till they are recompenced & paid for they Imagine if they once disband all is at an end with them. The Numerous Creditors are Clamorous, and will pay no more taxes till they are paid or secured, on their Interest. Our

prospects are general Confusion, Clamour & tumult & intestine broils, Commotions and divisions here I am full of anxiety & perplexity, exert my feeble Efforts to reduce expences & but in Vain. Nothing can be more unpopular in our assembly. I am wearied out being here. My prospects are no better by all the accounts I recieve from my own Country if I return home.

The Numerous Civil list & expensive sallaries have been all adopted in the 2 last years when I had no part here and a foundation laid for a great part of the troubles we are now Involved in. I have indeavoured with all my might to gain some relief, but with little Success, as it is ten times as difficult to undoe what has been done & establishd as to have prevented when proposed. The objection to revoke half pay or to referr them to the states is principally this that a former Congress have engaged it, the States by Confederacy are bound by it, it is a solemn Compact with our officers, we cannot retract it, tho ever so unwise & Imprudent when done & they are terrifyed even with the threats of the Army to do themselves Justice & represent Connecticut officers the most Clamorous & pressing & call on Congress to secure their protest against trusting the State. A Comtee from the Army has been here all winter Petitioning Congress waiting for the result both as to pay, security for their pay & halfpay. For that they propose a Commutation. All our calculations upon lives have been set at Work & they make out about six years full pay (no rations) after the War to be the amount on an Average. Congress have Voted or nearly Voted 5 years whole pay after the War as a sufficient Compensation. As we cannot get off the half pay Establishment, had we not better Comply with that than to be entangled with half pay for life? I wish I knew there would be no end in enumerating our Difficulties and holding out Our prospects, Peace or War. God almighty Governs the World, he has Delivered us out of many Troubles & fears, he still is able, let our Trust be in him & we are Calm. Let Tempest roar, he can still their rage & the Tumult of the People. We know many things are wrong. They always have been so and allways will, which requires more Labor, Patience, and Exertion. If the People clamour against me I know I have indeavoured their good, if I must suffer for others & they have the Praise, it is my lot, I have been accustomed to it, I hope I shall be Content, I expect not praise but blame, it has been the lot of their best friends & of those who have exerted themselves the most with the greatest fidelity to serve them. I have not, I cannot expect any better. I do not serve them on Wages, it is to do my Utmost for them & then expect their reproaches. Experience has taught me. I am not dismay'd (*hic murus Aheneus esto, Nil conscribere sibi nulla pallescere Culpa*)¹ ie, in my publick Conduct. As to the Event of the Susqh Cause² we must Submit to Providence. We had the weight of Congress, they would hear to no delay, they pushed with Violence & we had nothing to hope, if we had left them to have Nominated the Men they would

have got a list most obnoxious to us, it is true we might have struck off & who would have been left.

It is true we Consented to 2 New England men. I had no great expectations from their Superior abilities but supposed not only justice but Policy backd with the Interest of the People in Rhodisland who had alway gone hand in hand in the Cause with us ensured us Success with them. Then we had 3 from Virginia of whom we had no doubt. Then we Consented to Jersey Gentn really without Confidence in them but as we knew also their abilities were not great to Govern & influence that we were safe which was enough we could expect to choose all ourselves. But Providence has Interposed to Prevent 2 from Virginia attending & brot on Whipple whom we did not at all expect by what we heard would come so our cause is Lost. Who is to blame. Judge you but however if the State is uneasy with their expence I will give them double to every farthing they have ever expended, for a bare Quit Claim to the Western Territory in their Latitude Notwithstanding why then Grumble. I have done. My great respect to Govr Trumbull. Acknowledge his favor & shall soon give him an Answer.³

We have applied for a list of all offices in the Civill list, Staff &c with their sallaries, pay &c &c⁴ which with the Journals which are expected to be compleat in a few days will be sent forward as soon as prepared. Regards to Esqr Wales if you see him. Mrs Trumbull at Genll Mifflins. Your Friend & Hle Servt, E Dyer

[P.S.] What I have wrote I know not but as much again as intended or thot of when set out.

RC (Ct: Jonathan Trumbull, Jr., Papers).

¹ "Be this our wall of bronze, to have no guilt at heart, no wrongdoing to turn us pale." Horace, *Epistles* 1. 1. 60–61. *Horace, Satires, Epistles and Ars Poetica*, H. Rushton Fairclough, trans. (London: William Heinemann Ltd., 1932), pp. 254–55.

² That is, the cause of the Susquehannah Company in its controversy with Pennsylvania, for which see Dyer to Williams, January 10? 1783, notes 2 and 3.

³ See Dyer to Jonathan Trumbull, Sr., March 18, 1783.

⁴ In the context of the February 18 debate on a motion to require the superintendent of finance to report on the public debt as of January 1, 1783, the Connecticut delegates, "in pursuance of an instruction from the legislature of their State," had moved that "the Superintendent of Finances, the Agent of Marine, the Secretary at War, and the Secretary for Foreign Affairs . . . lay before Congress an account of the names and titles of all officers and others employed in the civil list department, and in the civil and military staff." See *JCC*, 24:139–40. For Robert Morris' response to the adoption of these motions, see Morris, *Papers* (Ferguson), 7:540–48.

Theodorick Bland to Edmund Randolph

Dr. sr.

Philada. March 3d 1783

The present suspense, in which political events of the Utmost importance hang, tho truely interesting—affords little matter for intel-

ligence. All that we know about the situation of the Pacific negotiations amounts to the Philosophers *ne plus ultra* viz, that we know nothing, Conjecture indeed has an extensive field to range in. The King of G.B. speech has opened the gate, where Imagination has free liberty to range and glut itself. The Commercial world have been thrown into a consternation—the Political into a Stupor. Bets run high & spirits low alternately—for my part—having a propensity to reason with the rest of my fellow creatures—I have hazarded my conjectures also. I build them on the following grounds. Great Britain has evidently given up the Idea of the Conquest of America. She has now (and will if the war continues have a still greater) inferiority of Naval force to that of the combined powers with which she is engaged—no prospect of any effectual aid from any ally. She must therefore be on the defensive at sea; her finances as appears from the Speech are not in the best state—what therefore can she hope from another campaign and that defensive, both by land & sea in the East, W Indies, in America & Europe—add to this her councils divided by strong opposition, & her ministers not firmly seated in their places. My conclusion is that England must have peace—that the Allies will dictate it. No war supplies appear to have been called for at the opening of the Parliament. No intelligence has been received further than that contained in the speech, a Packet (the Washington) was in waiting to bring over the result of the negotiations, no account Authentic, of the sailing of the combined fleet. All these contribute to evince that the negotiations are still going on, and not far from a conclusion. I leave you to Judge of the event. I think they are strong Symptoms of approaching [. . .] I must request the favor of you to inform me in your *next*, of the Progress you have made in my land Warrant—and what you suppose to be the real Value of it, as I propose selling it if I have an offer worth accepting. Mr. Jefferson is here I have not seen him since his return.

Mr. Morris has sent in his resignation of the office of Finance. Adieu, believe me to be yrs. affectionately, Theok. Bland Jr.

RC (NH: Miscellaneous Manuscripts).

Daniel Carroll to Daniel of St. Thomas Jenifer

Dear sr.

Pha. March 3d. 1783

I wrote to you by the Saturdays post to Baltimore under cover to Mr Calhoun who was desired to forward it so that an answer might be obtained by this post.¹ I hope it reached you in time. You will see that nothing is to be expected from Mr McClanaghan. I am in such arrears that I hope the Supply will be ample & Sufficient to relieve me, as well as for the Supply of the Delegates in general.

Not a word of intelligence more than the papers contain.

I am Dr sr. with respect, Your Mo. Obt Servt, Danl Carroll

RC (MdAA: Red Books).

¹ Although Saturday was actually March 1st, Carroll seems to be referring to his February 27 letter to Jennifer.

Eliphalet Dyer to Thomas Shaw

Sir

Philadelphia March 3d 1783

I wrote you an Answer to your last by the Post.¹ I had not then seen Mr Wharton since that he has returnd from Baltimore. I applied to him on the Subject of Mr Herns money. He informs me there is an Attachment on the whole of it by one Capt Lyon who Claims prize money due to him from Capt Hern, which Mr Wharton says was on board the Vessell in which Capt Hern is supposed to have been lost and the prise money lost with him but as long as that attachment lyes nothing can be got. He expect Capt Lyon in who is now at Sea in a few days. When he arrives I will endeavor to get him to withdraw the Attachment And do every thing in my power to Assist Mr Wharton in the affair. When I wrote to you last I Informed you that the Court of appeals had appointed to Sit at this place the 1st Monday in April, but I find since when Judge Griffin advertised their sitting in the Publick papers he has put it to the 2nd Monday which is the 14th of April. I must Inform you that one Inducement among others of my coming to Philadelphia last Spring was to obtain Justice for your Deceasd brother then alive in his Cause, I have persued the matter with unwearied attention to this time or it never would have been in the situation & hopefull prospects it now is but seeing I could not bring it to a Close unless I tarried over the winter I tho reluctantly had agreed to tarry while spring in hopes of having the affair finished before that time, but as there has been no Judges till lately I could not possible obtain a hearing & Trial before about the middle of April before which time it seems the New Judges will not attend which will oblige me to tarry till after that time. I cannot obtain money from the State by every application to bate my expences here. I sold my horses I brot with me last fall to save expence, am now obliged to buy to get home after the hearing of your Cause and have now bot them of our express rider Mr Brown of Norwich & as I have not money to pay him Am Oblidged to draw an order on You in his favor for one hundred dollars which I must request you to Answer without fail as I tell him he may depend upon it. Necessity Compells me, & it is hard if in my publick as well as more private affairs I have to manage here, I cannot be able in the whole to obtain *<only>* not *<even>* sufficient to bare my

expensies even in the most frugal way of living. At present I see no prospect of obtaining any by the way of Mr Wharton. I shall spare no pains to free you from the 15,000 dolls. Hope I may succeed, Am with sincere regards, yr Hle Servt,
 Elipht Dyer

RC (CtY: Shaw Papers).

¹ See Dyer to Shaw, February 19, 1783.

James Madison's Notes of Debates

Monday March 3d. [1783]

The Comme. on revenues, reported in addition to the former articles recommended by them,¹ a duty of $\frac{2}{3}$ of a dollar per 112 lbs. on all brown sugars, 1 dollar on all powdered, lumped & clayed sugars; other than loaf sugars, $1\frac{1}{3}$ dollar pr. 112 lbs on all loaf sugars, $\frac{1}{30}$ of a dollar per lb on all Bohea Teas, and $\frac{1}{15}$ of a dollar on all finer India Teas. This report without debate or opposition was recommitted to be incorporated with the general plan.²

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:303-4.

¹ See Madison's Notes, February 27, note 4.

² See Madison's Notes, March 6-7.

Maryland Delegates to William Paca

Sr.

Pha. March 3d. 1783

We had the honor of receiving your favor of the 28th Ult.¹ The Acct sent by the Intendant has not procurd us any supply, of this we informd him by Last Saturdays post under cover to Mr Calhoun who was desir'd to forward it, so that an answer might be receiv'd by the return of the post which carries this. We hope an ample supply will then be forwarded, without which it is impossible to remain here.

There is reason to believe Monsr. Vaudreuil is arrivd at Porto Rico with his squadron.

No further intelligence respecting peace, than what the papers contain; which deserve but little Credit.

We have the honor to be with great respect & esteem, your Excellencys Most Obt & Hble Servts,

Danl Carroll

Wm. Hemsley

RC (MdAA: Red Books). Written by Carroll and signed by Carroll and Hemsley.

¹ In his February 28 letter Paca had explained, in response to the delegates' request for money, "that the Intendant has told us that he has sent up to you, an Account against Mr McClanagan, with Orders to receive a Sum due from him to the State." *Md. Archives*, 48:371.

Phillips White's Petition

Phila. March 3rd, 1783

To The Honble. Congress of the American United States, the Subscriber in behalf of Edmund Sawyer of Newbury in the Common Wealth of Massachusetts Esqr, Sheweth

That the said Sawyer, was a vender of Tickets in the United States Lottery, that on the nineteenth day of March A.D. 1781 he Inclosed Eleven prize Tickets of the third Class, in a Letter directed to Joseph Bullock Esqr. of Philadelphia, in order to get Certificates for said prizes, at the same time he also Inclosed a Loan Office Certificate of 300 Dolls in order to receive the Interest due thereon. Said Letter with its inclosure was Carried into New York, the Mail in which it was sent, being taken by the Enemy, Whereby said Tickets and Certificate are lost as to the proper owners.

He therefore prays that you will take the affair into consideration and pass such order thereon (as that the owners of said Tickets, & Certificate, may receive their Just due) as you in your Wisdom shall think proper, and Your Petitioner shall ever pray.¹

Phillips White

MS (DNA: PCC, item 42). In the hand of Phillips White.

¹ White's petition was referred this day to the superintendent of finance "to report thereon." See *JCC*, 24:160; and PCC, item 42, 8:249-57. For Robert Morris's March 7 report on the memorial and its referral to a congressional committee on March 29, see Morris, *Papers* (Ferguson), 7:511; and *JCC*, 24:181, 27:402.

Eliphalet Dyer to Jonathan Trumbull, Jr.

Dear Sir

Philadelphia March 4th 1783

I recieved yours by Brown but have not as yet Conferred with Burrell¹ on Subject of your Letter. In his Computation the Ballance remaining due to the Estate of your brother is about £30,700 dolls. I believe he means to give the Securities drawing an Intrest from the time due which you see will make considerable addition whereby I Imagined you were quite safe in ordering the sum requested to Mrs. Trumbull the whole of which & much more I know is gained on my & her being here but however must Submit; knowing my self to be Unable to have supported her here I could not have Consented to her coming had it not been on a Supposition it might be advantageous in our Sollicitation for Justice in the matter referd to, & believe it has had its Effect. I expect to be at home in the Spring, the State does not supply me for my own Expenditures, how to pay off Mrs Trumbulls I know not. Coll Wadsworth has been so kind as to furnish her with some, & Nothing

but Necessity would Induce me to ask but I suppose the Estate of your late brother must pay Necessary expenses, let what will remain, I am sure, that No expense has been more laid out to more advantage to the Estate, therefore hope you will be so kind as to remit her some money by Mr Brown tho Charged to her Account or to repay it when he returns. I am sure the Estate is able & doubt how she can do without it. I hope you will consider it in a favourable point of light. Am your sincere friend &c.

Eliphalet Dyer

[P.S.] Am in hopes may succeed to have an addition made to the balance by Mr Burrell.

RC (CtHi: Jonathan Trumbull, Jr., Papers). Addressed: "Jonathan Trumbull Junr Esqr, at Lebanon in Connecticut, or at Head Quarters near New Windsor."

¹That is, Jonathan Burrall, commissioner of accounts for the commissary department, who had been assigned to settle the accounts of the late Commissary General Joseph Trumbull. Morris, *Papers* (Ferguson), 6:5-7.

John Taylor Gilman to Meshech Weare

Sir

Philada. March 4th 1783.

Your favor of the 3d Ultimo. I received yesterday per Post.

Are in Anxious Expectation of Dispatches from our Commissrs. in Europe, it is a long time since Letters were received from them, cannot learn that the Enemy in New York have received any material Information from Europe for a long time. We have no material information respecting Peace, more than has been published in the News Papers.

It is the prevailing Opinion that Peace is nigh at hand, though some Circumstances may have protracted the Negotiations. Hope we shall soon have a Confirmation of it.

I am Anxious to hear of the Appointment of Delegates in New-Hampshire, and when they will set out for this place; as I cannot think of remaining here longer than some time in April. I have been here much longer than I Expected when I left home, think the State cannot Complain of my returning, as I notified you of it as early as December. In that Letter I requested some Money, but have not heard any thing on that Subject, I am now in want of it, if you should not have sent me any, before the receipt of this, hope some may be sent by the bearer Mr. Brown, who Expects to return to this place by the first of April. Hope the sum sent me will not be less than five Hundred Dollars, I should be glad to have more if you have it, Mr. White will (undoubtedly) represent his own Wants. The several Subjects of devising Funds—a Commutation of Half Pay, and the affairs of Ver-

mont are in much the same State as when I wrote you last.¹ I Inclose you a Paper by which you will see Mr. Morris's Letters in which he proposes to Quit the Office of Superintendant of Finance.² Indeed our Finances are in a deplorable Situation & when they will be in a better State I know not.

I have the Honor to be, Your most Huml Servt.

John Taylor Gilman³

RC (MHi: Weare Papers).

¹ See Gilman to Weare, February 26, 1783.

² Gilman probably enclosed this day's issue of the *Pennsylvania Packet* containing Robert Morris' January 24 letter of resignation and February 26 request to have the congressional "Injunction of Secrecy . . . taken off" his resignation, although Morris had arranged for their initial publication in the *Independent Gazetteer* on March 1. See Morris, *Papers* (Ferguson), 7:462–74. For the public furor that followed Morris' publication of these letters, see Arthur Lee to Samuel Adams, March 5, note 2.

³ Gilman also wrote a letter this day to Josiah Bartlett, from which the following extract was printed in *Robert F. Batchelder Autographs*, catalog no. 21 (March 1978), item 179.

"I recd. this from Dr. Rush last week, but not in time to send by post. I did not know of this oppty. by Mr. Brown until just now otherwise I would have wrote you & some other friends but I have not a word of news. You will see my letter to the Prest. [*i.e.* Weare] hope soon to have news that Peace is agreed to, my faith is very strong on this subject, perhaps it is too much founded on my wishes. . . ."

James Madison's Notes of Debates

Teusday March 4. & Wednesday March 5. [1783]

The motion of Mr. Hamilton on the Journal relative to abatement of the quotas of distressed States was rejected, partly because the principle was disapproved by some, and partly because, it was thought improper to be separated from other objects to be recommended to the States.¹ The latter motive produced the motion for postponing.²

The Committee to whom had been referred the letters of resignation of Mr. Morris reported as their opinion that it was not necessary for Congs. immediately to take any steps thereon.³ They considered the resignation as conditional, and that if it sd. eventually take place at the time designated, there was no necessity for immediate provision to be made.

Mr. Bland moved that &c (See Journal of Mar. 5)⁴

This motion produced on these two days lengthy & warm debates.⁵ Mr. Lee & Mr. Bland on one side disparaging the administration of Mr. Morris, and throwing oblique censure on his character. They considered his letters as an insult to Congs. & Mr. Lee de[c]lared that the man who had published to all the world such a picture of our national character & finances was unfit to be a minister of the latter.⁶ On the other side Mr. Wilson & Mr. Hamilton went into a copious defence &

Panegyric of Mr. Morris, the ruin in which his resignation if it shd. take effect wd. involve public credit and all the operations dependent on it; and the decency altho' firmness of his letters. The former observed⁷ that the declaration of Mr. Morris that he wd. not be the minister of Injustice cd. not be meant to reflect on Congs. because they had by declaring funds desired by Mr. M. to be necessary; and that the friends of the latter could not wish for a more honorable occasion for his retreat from public life, if they did not prefer the public interest to considerations of friendship. Other members were divided as to the propriety of the letters in question. In general however they were thought reprehensible, as in general also a conviction prevailed of the personal merit & public importance of Mr. Morris. All impartial members foresaw the most alarming consequences from his resignation. The prevailing objection agt. Mr. Bland's motion was that its avowed object & tendency was to re-establish a *board* in place of a single minister of finance. Those who apprehended that ultimately this might be unavoidable, thought it so objectionable that nothing but the last necessity would justify.⁸

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:304–6.

¹ See *JCC*, 24:162–63; and Madison's Notes, February 17, note 3.

² Madison later completed this sentence to read: "which was lost," for which see *JCC*, 24:162.

³ See Madison's Notes, February 26, note 7; PCC, item 19, 4:385–86, item 186, fol. 85; and *JCC*, 24:165–68.

⁴ That is, "that the report of the committee be postponed, in order to take into consideration the following motion: That a committee be appointed to devise the most proper means of arranging the department of finance." *JCC*, 24:165.

According to a copy of the "Rules for conducting Business in the United States in Congress Assembled" maintained by Pres. Elias Boudinot covering the period May 4, 1781, to May 15, 1783, Congress this day adopted the following additional rule concerning a "Motion for postponing by Mr Bland seconded by Mr Lee," which is not recorded in the journals. "Determined, that when a Motion for postponing for a particular purpose is before the House, a Motion for recommitment of the original report or Motion, is not in order." Emmet Collection, no. 441, NN. Boudinot dated this action March 4, but it is clear from all available evidence that the motion at issue was this March 5 motion by Bland. For the congressional rules in force at this time, see Madison's Notes, February 19, note 3.

⁵ Although the report on Morris' resignation may have produced two days of warm debates, Bland's motion itself was offered only on the second of these.

⁶ For speculation that Arthur Lee may also have been the author of the "Lucius" essays bitterly attacking Morris, which began to appear in the March 5th issue of the *Freeman's Journal*, see Morris, *Papers* (Ferguson), 7:501–7.

⁷ The substance of James Wilson's remarks in opposition to Bland's motion is also preserved in the following notes taken by Arthur Lee, endorsed "Heads of Mr. Wilson's Speech in support of Mr. Morris when his resignation was moved to be accepted," located in the Lee Papers, MH–H.

"Now is not the time for a new arrangement of the Office of Finance.

"It is to dismiss & censure Mr. Morris.

"His personal Credit has supported public credit, clothed & fed the Army &c.

"The public will judge from his Letter that he is a wise & honest man.

"Is he to be censured because he insists upon permanent funds which Congress have resolvd are necessary.

"Now wod be the time most honorable for Mr. Morris to resign."

⁸ Madison later completed this entry to read: "The motion of Mr. Bland was lost: and a Comme appointed generally on the letters of Mr. Morris." This committee, consisting of John Rutledge, Abraham Clark, Nathaniel Gorham, Hugh Williamson, and Oliver Wolcott, never submitted a report, however, and was discharged on April 28, the day Congress adopted the recommendation of another committee appointed to confer with Morris declaring "that Congress are of opinion the public service requires his continuance in office." See PCC, item 186, fol. 86; and JCC, 24:284.

James Madison to Edmund Randolph

My dear Sir

Philada. March 4. 1783

The past week has not added a syllable of evidence to our preceding calculations of peace. The inferences from the suspence are as various as the fancies & interests of those who make them. Your letter by last post¹ which came to hand the day after the usual time adopts I conceive the most rational solution, namely, the difficulties & delays incident to so complicated a negotiation.

Provision for the public debts continues to be the wearisome topic of congressional discussion. {Mercer declared}² that although {he deems} the {opponents of a general revenue right in} principle, {yet as they had no plan and} it was {essential that some thing should be done he should strike in with} the {other side}.³

A letter from Genl. {Knox} is in Town which I understand places the {temper and affairs of the army in a} less {alarming view} than some preceding {accounts}.⁴

The resignation of the Superintendt. of finance with his motives are contained in paper inclosed.⁵ It is as you may well suppose a subject of general and anxious conversation. Its effect on public credit will be fully anticipated by your knowledge of our affairs. Yesterday's Mail brought me no letter from you. Adieu.

[P.S.] Mr. Jefferson is here awaiting further instructions of Congs. which w[ill] be adapted to the first authenti[c] advices from Europe.

RC (DLC: Madison Papers). In Madison's hand, though not signed. Madison, *Papers* (Hutchinson), 6:308–9.

¹ See *ibid.*, pp. 244–45.

² Words printed in braces in this text were written by Madison in a cipher supplied by Randolph.

³ See Madison's Notes, February 27, 1783.

⁴ For speculation on the identity of Knox's letter, see Madison, *Papers* (Hutchinson), 6:309n.5.

⁵ See John Taylor Gilman to Meshech Weare, this date, note 2.

Virginia Delegates to Benjamin Harrison

Sir

Phila March 4th. 1783

We have receiv'd your Excellency's Letter of the 26th. Ult,¹ enclosing a copy of the king of Great Britain's speech, wch tho' much mutilated, is in substance, the same with the genuine one transmitted you by Express.

That, & the two Letters of Lord Townshend are the only pecies of intelligence, that bear the marks of authenticity respecting the final adjustment of Peace in Europe.

To this moment Congress are without official information of the formal signing of any Treaty by the belligerent Powers either partially or generally. The Minister of France, is we apprehend, without intelligence on the important head, & we have no reason to suppose that they are in a state of less uncertainty at N York.

Fluctuating reports respecting this subject, as various in their nature, as the interested sources from whence 'tis probable they spring, prevail here. For them we refer to the papers enclosed, & with much respect, are Yr. Excellency's most obedient & humble servants,

A. Lee

John F. Mercer

Theok. Bland Jr.

J Madison Jr.

Jos. Jones

We fear the certificate respecting Nathan's account has arriv'd too late, to influence the determination of the arbitrators.²

Reprinted from Madison, *Papers* (Hutchinson), 6:307. Written by Mercer and signed by Mercer, Bland, Jones, Lee, and Madison.

¹ For Harrison's letter of February 24, not the "26th," see *ibid.*, p. 281.

² See Virginia Delegates to Harrison, February 4, 1783, note 1.

Oliver Wolcott to Oliver Wolcott, Jr.

Sir

Philadelphia 4 March 1783

I have been favoured with your Letter of the last. I had before informed you by my last Letter¹ that Mr Morriss told me he would immediately write to a Mr Thompson of Boston to undertake the Business of Settling our Accounts, this I suppose he has done as he told me positively that he would do so. If I shall be able to give you any Information respecting the Instruction which will be given to the Commissioner I will Inform you farther on this Head, but I have no Idea that any other Rule can be given but to conform to the Acts of Congress.

The additional Duty imposed upon the Paytable will increase the Severity of your Service and Responsibility. I have no Doubt of your Fidelity, but I fear that your Diligence in Businss and in Reading will

injure your Health. This is an Object of too great Consideration to be neglected, and which I hope that you Regard.

I am sorry to hear that any Divisions and Anomosities exist in the State. But you do well not to concern yourself with the publick Strife, Neither will I, it will be Very sufficient for me if I can discharge the Very difficult Service which I am called upon to Perform. In doing this I will injoy an approbation of my own Mind. The Man who can wish to possess himself of an office of high Importance and Responsability at this Period has a Very Wayward Ambition as it is ten to one that the Gratification of his Wishes would prove his Ruin. I hear of the Strife of Ambition, and sincerely contemn the Conduct.

It is unnecessary to look farr into the Affairs of the State. Every one capable of forming any tolerable Judgment upon them, must have expectd that Contests of this Nature would take Place—and they will continue from year to year, at least till Matters are reduced to more Regularity. Be Assured that I have no Ambition to be put into the publick View as a Candidate. I beleive and hope that I Am not so.

We have no News. Whether Mr Morriss will finally Resign is I believe uncertain, the Publication of his Letters were more than indiscreet, it was Very unjustifiable.² I make this Observation in Confidence. May God Bless you, Sir yours, O Wolcott

RC (CtHi: Oliver Wolcott, Jr., Papers).

¹ See Wolcott to Oliver, February 19, 1783.

² For the publication of Robert Morris' letters, see John Taylor Gilman to Meshech Weare, this date, note 2.

Alexander Hamilton to George Washington

Sir

[March 5, 1783]

I had the honor of writing to your Excellency lately on a very confidential subjec[t]¹ and shall be anxious to know as soon as co[n]venient whether the letter got safe to hand. The bearer Shattuck thinks he can point out the means of apprehending Wells & Knowl[ton] the two persons whom Your Excellency was authorised to have taken into custody. I have desired him to call upon you to disclose the plan. I will not trouble Your Excellency wi[th] any observation on the importance of getting hold of those persons. The surmise that Mr. Arnold a member of Congress gave intellige[nce] to them of the design to take them mak[es] it peculiarly important.² I have the hon[or]

RC (DLC: Hamilton Papers). In Hamilton's hand. RC damaged; right edge and closing missing. Endorsed by Washington: "From Alexandr. Hamilton Esq 5th March 1783."

¹ Undoubtedly Hamilton's February 13 letter, delicately advising Washington on using "confidential and prudent persons *to take the direction of*" the army's unrest, to preserve confidence in his leadership without risking the appearance of intervention.

² For Washington's unsuccessful efforts to secure the arrest of Samuel Wells and Luke Knowlton, two British sympathizers in Vermont, see Jonathan Arnold to Washington, January 28 and February 11, 1783.

Samuel Holten to John Hancock

Dear Sir.

Philadelphia 5th March 1783.

Two days since we asked the attention of Congress to making your Excellency a grant for your expenses while President of Congress; I believe some Gentlemen wou'd willingly have passed it over without making any grant, & others were for making a larger one than I think would have met with the approbation of Congress, & after some time spent upon the matter it was committed, but I believe it will not be long before some grant will be made.¹

Your Excellency will perceive by the public prints that the Superintendent of finance is about resigning his office, which I am sorry for, as it will undoubtedly embarrass our finances still more, which are great already; it might have been as well if his letters to Congress had not been in the public prints, as I have no reason to think it will help the common cause, & I suspect some persons are of opinion that some expressions in them are a little exceptionable, but they have not yet produced any Special resolutions of Congress. By the inclosed² you will see the administration of them for a given time.

We are still expecting European intelligence of importance. I have the Honor to be, with perfect respect, your Excellency's most obedt. servant

FC (MHi: Holten Papers). In the hand of Samuel Holten.

¹ See Holten to Hancock, April 1, 1783.

² Not identified.

Joseph Jones to James Hunter

Dr. Sr.

Philada. [March 5? 1783]¹

I have your favor of the 20th ult by the Post yesterday. Col. Monroe will be disappointed in his expectations of meeting Mr. Jefferson at Hampton or pursuing him to France that Gentleman being now here and his departure delayed in expectation of receiving very speedily certain accounts of the issue of the negotiations at Paris.

Mr. Cartwright may have called to see me but I never heard of such a persons being here. As to Mr. Swan's relying on me or Mr. Dawson's directing Mr. Cartwright to look to me for the payment of the balance now demanded by Mr. Swan, I apprehend there must be some mistake as Mr. Swan has had my Sentiments upon the matter and Mr. Dawson informed me when here he shou'd. take measures for the settlement of Swans balance when it was shewn what it really was, which I conceive

was proper for him to do as well for his interest as credit. The bill mentioned to me here by Mr. Cuninghame was a draught of Swans on Hunter & Co. for £260 or thereabouts, without Mr. Dawsons name appearing in it that I recollect. There was no reason to consider that bill as the debt of Dawson tho' it may in fact be so. Besides Mr. Dawson shod. pay only what he owed and it did not appear the Tobaccos delivered to your Company were accounted for. So far with respect to Mr. Dawson—as to myself the same objections on his account may be raised with this addition that Mr. Swan totally disregarded my orders and supplied Mr. Dawson upon his own credit and when he was of age settled I understand the account with him and accepted him as paymaster—otherwise I suppose Mr. Swan woud. have furnished me with his statement of accot. that if I was to be answerable I shod. know for what. Mr. Swan may be a very worthy man and may be considered by Mr. Dawson in a friendly light. I think his conduct deserves a different appellation. If payment is to be made Mr. Dawson must make it. I will take no step whatever in the business as he is in possession of his Estate and knows what consideration he received for the money demanded.

When a Consul for the U. provinces shall be proposed,² you may be assured I will if in Congress give you all the assistance I can to get you appointed. I wish you could contrive with the Treasurer the exchanging Morris Notes for Tobacco—the Delegation want a remittance, the Treasurer is to make it and has the disposal of Tobacco. I am Yr. aff
 Servt.
 Jos. Jones

RC (ViU: Hunter-Garnett Collection). Addressed: "Mr. James Hunter, Merch., Richmond, Virga."

¹ This date has been conjectured from Jones' first paragraph references to "the Post yesterday," to Thomas Jefferson, and to his expectation that news "of the negotiations at Paris," which arrived in Philadelphia on March 12, would soon be received. Tuesday, March 4, was a post day; and in a letter of that date to Edmund Randolph, James Madison made a similar observation about Jefferson's presence in Philadelphia awaiting "advices from Europe."

² No consul to the Netherlands was appointed under the confederation, such business being left to the management of John Adams or C. W. F. Dumas until the consular service was developed under the first Washington administration. For Congress' consideration of the future of United States missions in Europe, in the context of requests received at about this time from Francis Dana, John Adams, Henry Laurens, and Thomas Jefferson to be relieved of their assignments abroad, see Elias Boudinot to James Searle, April 1, 1783.

Arthur Lee to Samuel Adams

Dear Sir

Philadelphia March 5th. 1783

I had the pleasure of receiving your Letter relative to Capt. Landais.¹ The representation made by Mr. Morris of his behaviour at the Office of Finance did him such disservice that I am persuaded it

would be in vain for me to propose any thing in his favor, & woud be considered as aimed at Mr. Morris, not intended to do justice.

The resignation of Mr. Morris, & the manner of it are a great shock to public credit.² At bottom it is certainly a manouvre to force the system of funding upon the States, in which Mr. Morris & his friends are so deeply interested as to hazard the destruction of this Country, rather than not realise the immense wealth, which large purchases of Loan Office Certificates at an infinitely low depretiation, has offerd to their hopes. I hope the good sense & discernment of the Public will see this factious measure in its true light. This only can prevent its malignant operation here; but abroad the full misschief of it must be felt, & I fear will put an insurmountable bar in the way of Loans, upon which only we depend. This Morris coud not be ignorant of, & therefore the injury done is a deliberate Act, & deserves exemplary punishment. That punishment will not proceed from Congress, untill the public voice calls for it. Such is his influence here. But you know the stage & the chief Actors; & can be at no loss to form a just judgment.

I beg you will present my best Compts. to Mrs Adams, Genl Ward, Warren &c. Farewell,

A.L.

P.S. I enclose you the Freeman's Journal containg. several good Essays.³ I am told that it is not taken in by your Printers. It is the popular Paper. The Independent Gazetteer is Gouverneur Morris's Paper or the Court-paper. Your Printers shoud have the former & give you the good Essays.

RC (NN: Adams Papers).

¹ Adams' February 10, 1783, letter to Lee is in Adams, *Writings* (Cushing), 4:277-80.

² Lee is referring to the fact that Robert Morris had arranged for the publication of his January 24 and February 26 letters of resignation in the *Independent Gazetteer* on March 1, which not only administered a "shock to public credit," but also touched off a bitter debate in Congress that was led by Lee and Theodorick Bland. See Morris, *Papers* (Ferguson), 7:462-77; *JCC*, 24:165-68; and James Madison's Notes of Debates, March 4-5, 1783.

³ Apparently the March 5 issue of Francis Bailey's *Freeman's Journal*, containing essays by "Lucullus" on George III's speech to Parliament, by "Probus" on the Pennsylvania assembly's encroachments on the right of trial by jury, and the first of five by "Lucius" denouncing Morris for making a public announcement of his resignation, for which see the preceding note. For a discussion of the authorship of the "Lucius" letters, which many contemporaries believed were written by Lee, although no convincing evidence for this attribution has been found, see Morris, *Papers* (Ferguson), 7:501-7.

New York Delegates to George Clinton

Sir,

Philadelphia March 5th, 1783.

Mr. Hamilton having transmitted your Excellency the late proceedings of Congress for Carrying the 8th Article of the Confederation into execution by which the Legislature will see the part we Acted in this affair.¹ They will not be at a Loss for our motives; and we hope

will not disapprove them. Our opposition to the first plan proposed was founded principally on the Consideration that it left the Interested partys Judge in their own Cause, might have produced great injustice and inequality and would in all probability have excited great Jealousies between the Respective States. We Dissented from the Second plan chiefly because we did not perceive that it afforded sufficient data to make the valuations upon and because it applied the 8th Article of the Confederation in Such a manner as would have produced great Injustice to the State of New York, and others in similar circumstances by Charging us with our proportion of the past Contributions of the States, according to our future ability when the Valuation shall be made.

After this plan was Resolved upon; we Introduced a motion to Call a Second time upon the different States to vest Congress with a power of making equitable abatements agreeable to the Resolution of the 20th Feby. 1781.²

This was committed and an unfavourable Report made, which together with the Original motion was postponed.

We renewed the motion in a something different form, which has been negatived by a Large majority. We have the honour to enclose the motion and the Votes upon it.³ Different motives operated in the Dismission. Many were opposed to the principle, and others wished to postpone till this matter with many others could be taken up on a general plan.

Your Excellencys Letter by Mr. Shattuck has been read in Congress and with the papers accompanying it Committed to the same Committee which has before them, the Remonstrance from Chittenden.⁴ We need not assure you that we shall pay all the attention in our power to a matter so Interesting to the State, which however we are obliged to see postponed to the Consideration of funds for Restoring the Credit of the United States, which now Occupies the first Attention of Congress.

We are, Sir, with the Greatest Respect your Excellencys most Obedt. and humble Servts,

Wm. Floyd

Alex Hamilton.

Reprinted from Clinton, *Papers* (Hastings), 8:83–85. According to Edmund C. Burnett, who saw the document before it burned in the 1911 Albany fire, the letter was in the hand of William Floyd and signed by both Floyd and Alexander Hamilton. Burnett, *Letters*, 7:66n.1. A draft in Hamilton's hand, with emendations by Floyd, is in the Duane Papers, NHi. Hamilton, *Papers* (Syrett), 3:280–81.

¹ See Hamilton to Clinton, February 24, 1783.

² That is, 1782, for which see James Madison's Notes of Debates, February 17, 1783, notes 3 and 4.

³ For Congress' rejection of this motion on March 4, see *JCC*, 24:162–63.

⁴ Clinton's February 25 letter to the New York delegates had been read in Congress on March 4 and referred to the committee that was already considering Vermont governor Thomas Chittenden's January 9 "remonstrance." See Hamilton, *Papers* (Syrett), 3:275–76; *JCC*, 21:108n.2, 164n; and PCC, item 40, 2:373–75.

Richard Peters to Horatio Gates

Dear Sir

Philada. 5th March 1783

I have received your Letter¹ & am much obliged to you for it. I am happy you are so much at Ease as to string Couplets. Your Idea of the political Pot is a just one. I have not yet been scalded by it but suppose when hot Water is flowing I must have Neighbours Fare. But as I endeavor to keep out of it Nothing but the Chapter of Accidents is against me. I am heartily sick of the Publications which continue to embroil our State & as the Days News papers are full of them I omit sending them. I have no Letters for Mrs Gates but one which is at Belmont. I shall however deliver it to Mr Nourse.

I have no News to communicate. Peace or War seem yet to be Pivots about which the Knowing ones differ much. Should the War even continue the Weight of it must remove from us. Congress have been for a long time engaged about the Affairs of the Funds but tho' there appears a good Disposition many Difficulties continually arise. We shall I hope get right at last & per varios Casus per tot Discrimina Rerum² Justice will yet be done. The Affair of the Commutation for the Half pay to meet the Prejudices of the Eastern States has been on the Carpet but the Question was lost. I am of Opinion however that it will be speedily revived & from an Alteration of Sentiment in some Gentlemen who voted against the Measure it will be carried. We want only one State to get it thro'. The commutation proposed is an aggregate Sum amounting to five Years full Pay & the Lines are left at their Option either to take this or adhere to their Right of Halfpay which is so firmly established that it cannot be shaken. I am always happy to hear from you & you may rest assured of the constant Esteem with which I am your obedt Servt,

Richard Peters

RC (NH: Gates Papers).

¹ Gates' March 5 letter to Peters is in the Sol Feinstein Collection, no. 366, DLC microfilm.

² "Through divers mishaps, through so many perilous chances." Virgil *Aeneid* 1.204.

Phillips White to Meshech Weare

Hond. Sir

Phila. March 5th, 1783

Recd your favr., of Feby 3, by this weeks post wherein you Acknowledge the receipt of one from me in such a manner as gives me pleasure, at the same time I have a great degree of sorrow for the indisposition of body you labour under. Whenever I have News of importance which I may be at liberty to communicate, shall do it to your Honr. with great pleasure. We have had nothing of Importance

since the British Kings speech to be depended on, are hourly expecting something. Congress have been for some time principally employd on the affair of providing funds for the security for publick debts &c &c. Have not yet come to a result but I believe five per Ct. Impost will be again recommended to the united States with some little variation from what it was before, also an additional duty on sundry articles.

Respecting Vermont great difficulties are in the way; either for their being made an Independent State, Divided between two or more States, or set to any one State. A new Complaint from governour Clinton, respecting the Inhabitants of said teritory was read in Congress yesterday & Committed,¹ perhaps it may procure some new resolutions that will never be Carried into execution.

Whatever information you are pleased to give me of the proceedings of the general Assembly I shall be thankful for.

Mr. Gilman and myself in a joint Letter some time since² intimated our desire of being relieved By other Deligates by the begining of April, & in the mean time to have some money sent, I do not like to be troublesome, but as Mr Gilman informs me that he has renewed his request for money if I should be silent on that head it may be thought that I am not so short of that Article as he, which is not the Case. I hope a Deligate will come on and take my place as soon as the Roads are settled.

I remain your Honrs. Obed. & Humble Servt, P. White

RC (MHi: Weare Papers).

¹ See New York Delegates to Clinton, this date, note 4.

² See New Hampshire Delegates to Weare, December 11, 1782.

James Madison's Memorandum on a Continental Revenue Plan

[March 6?1783]¹

Plan proposed² consists of 1st. permanent revenue. 2. abatements in favor of the States distressed by the war. 3. common mass of all reasonable expences incurred by the States without sanction of Congress. 4. territorial cessions.

Manner in which the interests of the several
States will be affected by these objects:

N. Hamsire will approve the establishment of permanent revenue, as tending to support the confederacy, to remove cause of future contention, and to guard her trade from taxation by the States through which it is carried on: the loans of her Citizens being under her pro-

portion, she has not that motive. Having never been much invaded will be agst. abatements—for the same reason agst. common mass—covets a share of vacant territory.

Massts. is deeply interested in the provision for the public debts by the loans of her citizens—agst. abatements. The Penobscot expedition alone interests her in a common mass. The other objects do not particularly affect her.

R. I. being a weak State is interested in a permanent revenue as tending to support the confederacy and prevent future contentions; but agst. it as tending to deprive her of the occasion of taxing commerce of neighbouring states. Her proportion of loans does not interest her in it. Not opposed to abatements, nor agst. a common mass, having been long the seat of war,³ anxious for territorial cessions.

Connecticut, interested in genl. revenue as tending to shelter her trade from taxation by N.Y. & R.I. & in some degree as providing for loan office debts, her loans being above her proportion. Strenuous agst. abatements—in favor of common, having often employed militia without sanction of Congss.⁴ Since the condemnation of her title to West claims interested in the cessions of other States.

N.Y. strongly attached to permant. revenue as tending to support the Confederacy &c. Altho her Citizens are not lenders beyond her proportion yet individuals of great weight are deeply interested in the funds, deeply & peculiarly interested in abatements—favorable to a common mass. Since the acceptance of her cession of territory interested in those of other states.

N.J. interested as a small State in the tendency of permanent revenue to support the Confederacy &c.—& to save her commerce from taxation by Pa. & N.Y. The loans of her Citizens are not materially disproportionate altho much the Seat of War not interested in abatements & her expenditures have been previously sanctioned, solicitous for territorial cessions.

Pena. deeply interested by the loans of her Citizens in a permanent revenue. As far as revenue from trade tends to restrain her from taxing that of N.J. her interest opposed to it. Not interested in abatements. nor common mass, but has espoused both⁵—urgent for vacant territory.

Delaware interested by her weakness in permant. reve. as tending to support the confederacy &—not materially by the credits of her Citizens. Opposed to abatements & common mass. To the vacant territory firmly attached.

Maryland having never been the seat of war & her citizens being creditors below her proportion is no otherwise interested in permant. reve. than in the support of Confederacy &c. Agst. abatements and—common mass. The vacant territory is her ruling object.

Virga. in common with the S. States interested by her opulent & defenceless commerce in a permt. reve. as tending to secure the protection of the Confederacy agst. the maritime superiority of E. States.

As it tends to discharge the loan-office debts & to restrain her from taxing the trade of N.C. justice & a liberal policy only recommend to her a perm. reve. It is uncertain how the credits of her Citizens may stand in a liquidation of their claims on U.S. Interested somewhat perhaps in abatements—particularly so in common mass—not only her excentric expenditures being enormous—but many of them which have been similar to those allowed to other states, having recd. no sanction of Congs. Her Cession will be considered as a sacrifice.

North Carolina interested in perm. & genl. revenue as tending to prolong the protection of Confederacy agst. maritime superiority of E. States; and to guard her trade from taxation of Virga. & South Carolina. The loans of her Citizens are inconsiderable, but their claims for supplies must be great⁶—in abatements & in common mass essentially interested. In the article of territory wd. make a sacrifice.

S. Carolina being a weak & exposed State is interested in perm. reve. as tending to secure the protection of Confedcy. agst. enemies of every kind—also as to providing for debts, her Citizens having been lenders above her proportion & having besides immense unliquidated demands on U.S. as tending to restrain her to taxation of trade of N.C. a continentl. revenue not favorable to her supposed interest. In abatement & common mass she is supposed to be deeply interested, but in fact opposed to both—her sacrifice of territory wd. be inconsiderable.

Georgia as a feeble, opulent & frontier State peculiarly interested in whatever tends to support & prolong confederacy; also in permant. reve. by the credits of her Citizens; even those of the loan office being beyond her proportion. In abatements & in common mass deeply interested—in article of territory wd. make sacrifice.

To make this plan more effectuell for removing all present difficulties & occasions of future disputes, a recommendation is to be included for substituting numbers in place of the value of land as the rule of apportionment. In this all the States are interested, if proper deductions be made from the number of slaves.

MS (DLC: Jefferson Papers). In the hand of James Madison. Madison, *Papers* (Hutchinson), 6:309–11.

¹ This memorandum repeats the contents of the long note Madison appended to his Notes of Debates for February 26, which were written while Jefferson had been in Baltimore awaiting passage to France. Madison apparently drew up this memorandum for Jefferson after the latter's return to Philadelphia to share Madison's assessment of the economic interests of the states, which figured importantly in Madison's work on the report on public credit submitted to Congress this day. For his previous assessment of the "interests of the several States," see Madison's Notes, February 26, especially notes 8ff.

² See the following entry.

³ Cf. Madison's Notes, February 26, note 10.

⁴ Cf. *ibid.*, note 11.

⁵ Cf. *ibid.*, note 12.

⁶ Cf. *ibid.*, note 13.

James Madison's Notes of Debates

[March 6-7, 1783]

Thursday March 6.

The com. on Revenue made a report which was ordered to be printed for each member, and to be taken up on Monday next.¹

Friday March 7.

Printed copies of the rept. abovem[entione]d were delivered to each member as follows, viz.²

(1) Resolved, that it be recommended to the several States, as indispensably necessary to the restoration of public credit, and the punctual & honorable discharge of the public debts, to vest in the U. S. in Congs. assem[d.] a power to levy for the use of the U. S. a duty of 5 Per Ct. ad valorem, at the time & place of importation, upon all goods, wares & merchandizes of foreign growth & manufactures, which may be imported into any of the said States, from any foreign port, island or plantation, except arms, armunition, cloathing, and other articles imported on account of the U. States or any of them; and except wool cards, cotton cards, and wire for making them; and also except Salt during the war.

(2) Also a like duty of 5 Per Ct. ad valorem, on all prizes & prize goods condemned in the Court of Admiralty of any of these States as lawful prize.

(3) Also to levy a duty of $\frac{1}{8}$ of a dollar per bushel on all salt imported as aforesaid after the war, $\frac{1}{15}$ of a dollar per gallon on all wines, $\frac{1}{30}$ of a dollar per gallon on all rum & brandy, $\frac{2}{3}$ of a dollar per 112 lbs on all brown sugars, 1 dollar per 112 lbs on all powdered, lump and clayed sugars other than loaf sugars, $1\frac{1}{3}$ d^o. per 112 lbs on all loaf sugars, $\frac{1}{30}$ of a dollar per lb. on all Bohea Tea, and $\frac{1}{15}$ of a dollar per lb on all finer India teas, imported as aforesaid, after
in addition to the five per Ct. abovementioned:

(4) Provided that none of the said duties shall be applied to any other purpose than the discharge of the interest or principal of the debts which shall have been contracted on the faith of the U. S. for supporting the present war, nor be continued for a longer term than 25 years; and provided that the collectors of the said duties shall be appointed by the States within which their offices are to be respectively exercised, but when so appointed, shall be amenable to and removable by the U. S. in Congs. assd. alone; and in case any State shall not make such appointment within after notice given for that purpose, the appointment may then be made by the U. S. in Congs. assd.

(5) That it be further recommended to the several States to establish for a like term not exceeding 25 years, and to appropriate to the discharge of the interest & principal of the debts which shall have

New Hampshire	80,000	Delaware	28,000
Massachusetts	320,000	Maryland	220,000
Rhode Island & Providence plantations.	48,000	Virginia	290,000
Connecticut.	222,000	No Carolina	148,000
N York.	90,000	So Carolina	120,000
N Jersey.	110,000	Georgia	24,000
Pennsylva.	300,000		<u>2,000,000</u>

(6) That an annual account of the proceeds and application of the aforementioned revenues shall be made out & transmitted to the several States, distinguishing the proceeds of each of the specified articles, and the amount of the whole revenue received from each State.

(7) That none of the preceding resolutions shall take effect until all of them shall be acceded to by every State, after which accession however, they shall be considered as forming a mutual compact among all the States, and shall be irrevocable by any one or more of them without the concurrence of the whole, or a majority, of the United States in Congs. assembled.⁴

(8) That, as a further mean, as well of hastening the extinguishment of the debts, as of establishing the harmony of the U. States, it be recommended to the States which have passed no acts towards complying with the resolutions of Congress of the 6th of Sepr. and the 10th of Octr. 1780, relative to territorial cessions, to make the liberal cessions therein recommended, & to the States which may have passed acts complying with the said resolutions in part only, to revise & complete such compliance.

(9) That, in order to remove all objections against a retrospective application of the constitutional rule of proportioning to the several States the charges & expences which shall have been supplied for the common defence or general welfare, it be recommended to them to enable Congress to make such equitable exceptions and abatements as the particular circumstances of the States from time to time, during the war, may be found to require.

(10) That conformably to the liberal principles on which these recommendations are founded, & with a view to a more amicable and complete adjustment of all accounts between the U. S. and individual

States, all reasonable expences which shall have been incurred by the States without the sanction of Congs., in their defence agst. or attack upon British or Savage enemies, either by sea or by land, and which shall be supported by satisfactory proofs, shall be considered as part of the common charges incident to the present war, and be allowed as such.

(11) That as a more convenient and certain rule of ascertaining the proportions to be supplied by the States respectively to the common Treasury, the following alteration in the articles of confederation and perpetual union between these States, be and the same is hereby, agreed to in Congress, & the several States are advised to authorize their respective delegates to subscribe and ratify the same, as part of the said instrument of Union, in the words following, to wit.

(12) "So much of the 8th of the Articles of Confederation & perpetual Union between the thirteen States of America as is contained in the words following to wit 'All charges of war &c (to the end of the paragraph)' is hereby revoked and made void, and in place thereof, it is declared and Concluded, the same having been agreed to in a Congress of the United States, that all charges of war, and all other expences that shall be incurred for the common defence or general welfare, and allowed by the U. S. in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the number of inhabitants of every age, sex & condition, except Indians not paying taxes in each State; which number shall be triennially taken & transmitted to the U. S. in Congs. assembled, in such mode as they shall direct and appoint; provided always that in such numeration no persons shall be included who are bound to servitude for life, according to the laws of the State to which they belong, other than such as may be between the ages of ."⁵

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:317–18.

¹ This report, which Madison copied into his notes with his March 7 entry, is in PCC, item 26, fols. 438–40; and *JCC*, 24:170–74. For an analysis of it, see Madison, *Papers* (Hutchinson), 6:311–16. For the appointment of this committee and the previous consideration of its work, see Madison's Notes, February 21, note 5, and February 27, note 4. The report adopted April 18 as finally amended is in *JCC*, 24:257–60.

² Three of these printed copies, with annotations reflecting amendments offered during debate before adoption of the final report, are at PCC, item 26, fols. 411–13.

³ For the following figures, which are found in neither Madison's draft report nor these notes, but were added by Thomas FitzSimons to one of the printed copies delivered this day, see *ibid.*, fol. 413.

⁴ For the placement of this paragraph in Madison's draft, see the following note.

⁵ At this point Madison inserted an asterisk to which he keyed the following note: "In the draught as laid before the Come. by the (7) paragraph was placed last of all, so as to render the plan indivisible. In the (10) paragraph the word 'reasonable' before the word 'expences,' was not inserted; but to the paragraph were added 'provided that this allowance shall not be extended to any expences which shall be declared by nine votes in Congress to be manifestly unreasonable.' In other respects the original draught was unaltered; except that a former resolution of Congress in the words of the (6) paragraph was incorporated by the Secy. before it went to the press."

Jonathan Arnold to David Howell

Dear Sir,

Philadelphia March 8th. 1783.

My last ended abruptly,¹ the mail was about to be closed—however I had nothing to add to the subject which was last mentioned. The Committee the next day reported on the subject of Finance—this by direction is now a secrecy, I hope 'twill be out timely to send it per post. I have had an interview with Dr Rush—but as he engages to write I shall refer to his Letter. The Assembly of this State, are entering on Measures for the relief of their own Creditors—and I observe the Mr. of C. from this S.² who were most zealous advocates for Continental Measures—have of late become more passive and upon the whole—Opposition to Court-measures, & men, seems to gain ground as fast as might be expected. Mr. Baily consented without hesitation to print what you requested.³ He said your character stood Fair—and was daily rising in the eyes of the People of this City. I am told a pamphlet is now in the press, in favor of 5 per Ct. as soon as published will forward one. I conclude it to be the United efforts of A Junto—Mr. Carrol, Mr Madison, Mr Hamilton, Mr. Fitzsimmons—in doors—& the Supr. of F—— with his Assistant⁴ out—may yet influence such Measures—as however agreeable to others, must be reprobated by our State.

Yesterday's Paper⁵ (inclosed) has an extract of a Letter from R.I. which must have been published with no very good intent that obliged me to present the Public with another—for Tuesday's Paper⁶—which I mean also to inclose. The paper of Feb. 1st I have not recd.⁷ I shall if possible procure it—and get Cato inserted in the Papers of this City—agreeable to your request. I think the difficulties which formerly subsisted on that head are pretty well over. The Sdt. of F—— seems greatly on the decline in the estimation of many, some late drafts for Acts &c. have been disgustful—especially one which is severely criticised, and the Arbitrary Principles it embraces, justly exposed in the Public Papers by Valerius.

I was told yesterday—that in New Jersey—a Certain Court favorite—whom he had appointed to an Office in that State,⁸ with a *Modern Salary*—was opposed by the people and threat'ned with immediate ruin, &c, if he attempted to Act—from which and other Circumstances, I am inclined to believe he was happy in forming some excuse for the resignation of an Office—which it was growing dangerous to hold—and as a prudent man foreseeing the evil he is willing to withdraw—& hide himself. That with him all who have been duped thro' weakness, or who from principles, have supported those unconstitutional propositions which have so long gulled & perplexed the public may shrink into obscurity—and the imperious tone of—*By G—d you shall*—be no longer heard in this Land of Liberty is my hearty prayer.

You will long e're this recieve the doings of Congress so far as was in my power to Communicate them. As to the result, of the Committee on my Motion—That with all the papers—& a *State of the Foreign Affairs*, was directed to be confidentially sent to the Govr & Assembly—by the S for F A. and which he informs is done—all which was entered on the secret Journals.⁹

If you should come back this Spring I think your triumph would be complete, and in that case only—I should be happy—that my Little bark—should “attendant sail. Enjoy the triumph & partake the Gale.”

For the suppression of that part of the proceedings which was on the public Journals—so that it should not be printed in Course in the papers for Public inspection—and which it was the Anxious wish of many to see—and the carrying the Close of the Affair to the secret Journals—are evidences of a Conscious —and if genuine sorrow, & the most bitter Contrition could erase—& bury in Oblivion the whole I believe it would have been done long since.

You see I am punctual to your request. It gives me pleasure that I can return you satisfactory Answers—without sacrificing truth at the shrine of Adulation.

March 10th. Your agreeable favor of 12 fol. Pages has come to hand part is answered in my last Package. My next¹⁰ shall shew my attention to the remainder.

I feel much for the domestic Happiness you so lusciously describe & enjoy—my hermitage affords nothing to return you on that head. I most heartily wish it did.

This day we had another vote on the score of half pay—and Commutation—it was again negatived 12 States & 36 Members present.¹¹ We have a Long Letter this day from the Supr. of F. containing a Plan more in detail.¹² I wish the N England Convention, would be speedy in their movements, as the sense of the People there is now so generally known—some plan may be devised eligible and which when once well done would tend to supercede counter movements in Congress. I always was of Opinion something was necessary in Aid of “DRY TAXATION.” From a conviction by experience that the resources of which the States are really possessed could not be draw out in that way fast enough to keep pace with the public exigencies, & preserve its Credit but—why cannot Congress as well trust the States to Collect the Revenues—they may adopt—(when they have a right to coerce the payment of Constitutional requisitions) as the States trust Congress with Powers, which become formidable in Proportion as they are Concentrated? is a riddle to me.

I dare say no State has it in intention to rid itself of the Public debt without payment—therefore being left to Collect its own proportion it would be more likely to increase its exertions than otherwise.

I hope to hear from you at Hartford soon—and shall enclose your minutes Left for the report, you allude to,¹³ in hopes it may refresh your Memory. Mr Ellsworth after having the Papers several days set out home & they were handed me by general Woolcot. He tho't best—to postpone any report, until Congress had gone thro' the Plans then entering on but which yet are incomplete.

I have presented your Compliments to the Gentn named who thank you & return theirs—also to several others unnamed to whom I tho't it would be agreeable—and not improper.

Mrs. And Mr Marshall, Nancy & Polly Join me in Compliments to Mrs. Howell & yourself & in good wishes for the Olive Branches round about your Table. Please to make my respectful Compliments to all friends who enquire after me—and believe me sincerely, your friend
Jona Arnold

RC (InU-Li: Lafayette Collection).

¹ Perhaps the letter to Howell from which the following extract was printed in the April 12 issue of the *Providence Gazette* under the heading “Extract of a letter from Philadelphia, dated March 4, 1783.” “Upon examining the Pennsylvania Packets, for the last of February and beginning March, I find the proceedings had against you are not printed with the other proceedings of Congress; they never were, to my knowledge, ordered to be suppressed. I never observed the omission till this moment.”

Immediately below this extract the following passage from another letter was also printed with the heading “Extract of another letter from Philadelphia, dated March 3,” which was apparently from Arnold to Howell as well. “For the suppression of that part of the proceedings which was on the public journals, so that it should not be printed in course in the papers, for public inspection, and which it was the anxious wish of many to see, and the carrying of the close of the affair to the secret journals, are evidences of a -----.”

For the “suppression” of the congressional proceedings related to Howell’s controversy with Congress, see also James Madison’s Notes of Debates, January 3, 1783, note 3.

² That is, members of Congress from this state.

³ Not identified.

⁴ That is, Robert and Gouverneur Morris.

⁵ Not identified; but the *Pennsylvania Packet* of March 8 printed a February 6 letter from Rhode Island supporting the collection of Continental revenues and the use of congressional coercive power.

⁶ The *Pennsylvania Packet* of Tuesday, March 11 printed a February 1 letter from Rhode Island opposing the Continental impost and congressional coercion.

⁷ That is, the *Providence Gazette*.

⁸ Perhaps Lewis Pintard, who had been appointed by Robert Morris commissioner of accounts for New Jersey, and whose resignation is discussed in Elias Boudinot’s letters to Pintard of February 12, 18, and 25.

⁹ For Arnold’s motion to instruct the secretary for foreign affairs to send to Rhode Island “sundry extracts of public letters from Europe,” which was adopted January 14, see *JCC*, 24:32–36, 45–46. See also Howell’s letters to John Carter of January 6; and Arnold to William Greene, January 8, 1783.

¹⁰ Not found.

¹¹ According to Secretary Thomson’s journal, there were 35 members present for this vote. See *JCC*, 24:179.

¹² Robert Morris’ March 8 letter, which has been described as “the response of the Superintendent of Finance to the funding plan that had been evolving in Congress since January,” has been analyzed at length in Morris, *Papers* (Ferguson), 7:513–38.

¹³ Not identified.

James Madison's Notes of Debates

Monday, March 10 [1783]

See the Journal.¹ Much debate passed relative to the proposed commutation of half pay; some wishing it to take place on condition only that a majority of the whole army should concur, others preferring the plan expressed on the journal, and not agreed to.²

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:321–22.

¹ *JCC*, 24:178–79.

² By a vote of 8 "ay" and 3 "no," Connecticut divided and Georgia unrepresented. *Ibid.*

Hugh Williamson to Alexander Martin

Sir,

Phlada. March 10th 1783

Your favour of 28th Jany dated at Guilford was recd by the Delegates from our State some days ago.¹ We had not the most distant Hope that there would have been a meeting of the Assembly in Jany knowing how greatly they had faild in making a House on their own adjournment. If they come with a hearty disposition to do business in the Spring we shall certainly propose work enough for them. A Particular Remark in your Letter on the Subject of Loans could not help to draw our Attention. You advise that we should borrow sparingly lest we be laid under too many obligations to our Allies. Do you think that we shall be tempted to make an extravagant Use of mony from the great abundance of it at a Time when we cannot even pay one Penny in the Shilling of the daily pay that is due to our brave but poor Officers and Soldiers. We have been able to borrow in all not from the govt of the united Netherlands, but from the Citizens of Holand, about 488 Thousand Dollars, And we have recd in Loan from France beside a small Sum that had been anticipated 344 Thousand Dollars for the service of the year 1782. The States were calld upon by Congress to raise 8 millions of Dlsr for the Expences of that year and they raised about the 20th Part of that mony. Would it not be supposed that our Army lived on Air like Camelions or that they had more Faith than other men ever possess'd: In a word we are often exhorted, if it can possibly be prevented not to risque another mutiny in the Army nor suffer them to disband when we are just in sight of the desired Prize, but it has seldom, I believe, been suspected that we borrowed without cogent necessity.

For several weeks we have not recd. a syllable of Intelligence from tother Side of the Atlantic and it is a matter of real consolation that the Enemy at New York are in the same situation. We presume that unexpected delays in settling Preliminaries occasion this absolute stoppage of Vessels, for no mercantile Vessels in such Case will sail &

the Official Dispatches are not ready. We are told that a Packet belonging to the United States in France has for several Weeks been held in hourly readiness for sailing. I have the Honor to be, Your most obdt and very hble Servt,

Hu Williamson

RC (Nc-Ar: Governors' Papers).

¹ Martin's January 28 letter is in *N.C. State Records*, 16:732-34.

Daniel Carroll to Daniel of St. Thomas Jenifer

Dr. sr.

Pha. March 11th. 83

Your favor of the 7th came to h[an]d but nothing from Messr. Dorsey Wheeler & Co. If they send up a Bill or order on some responsible person here, who will accept it perhaps it may be in the power of the Delegates to negotiate it at the Bank—but that is uncertain, & at any rate would be some loss.

Not a word of news more than the enclosd paper contains.

Yours. Dr Sr. with due respect,

Danl Carroll

P.S. I have calld on Mr McClanaghan who has promisd to let me have £75 this morning.

RC (MdAA: Red Books).

Benjamin Hawkins to Abner Nash

Dear Sir,

Philadelphia March 11th 1783

I informed you in my last that Morde[cai] Lewis and Compy. had discharged the bill drawn by Mr. Gough and that I had taken up your draught with Haym Solomons. I have yet only promises from Mr. Pollock.¹

Congress have not come to any conclusion on the establishment of permanent funds. I have some reasons for believing they will this week; and that the duty of 5 per cent for twenty five years will be recommended to the States; the collectors to be appointed by the States amenable to and removeable by Congress.

General McDougal is still here waiting for a determination on the memorial of the army which considering the dispositions of some of the States seemed not to be favourable, tho' at present it is highly it will as Maryland and Delaware are represented.

On the question yesterday to agree to the report there were 8 States for, 3 against and 1 divided.²

It is five months the 14th instant since we have received any dispatches from Europe, and all private accounts from any quarter are

vague and not much depended on. They are by the paper of the 5th as much in uncertainty and suspense in N York as we are here.

Give my respectfull complements to Mrs. Nash, and believe me ever, with the greatest respect and truth, Dear Sir, Your most obedient and most humble servant,

Benjamin Hawkins

[P.S.] Mr. Jefferson is with us, almost as anxious to hear something from Europe as you were to get home from Baltimore.

RC (NcU: Nash Papers).

¹ Hawkins' "last" letter to Nash has not been found, but for his efforts to secure payment of Nash's draught on Pollock, see Hawkins to Oliver Pollock, February 17, 1783.

² See *JCC*, 24:178-79.

James Madison's Notes of Debates

Teusday, March 11 [1783].

The report entered on Friday the 7 of March was taken into consideration.¹ It had been sent by order of Congs. to the Supt. of Finance for his remarks which were also on the table.² These remarks were in substance; that it wd. be better to turn the 5 perCt. ad valorem into a Tariff founded on an enumeration of the several classes of imports; to which ought to [*be*] added a few articles of exports; that instead of an apportionment of the residue on the States, other general revenues, from a land tax, reduced to 1/4 of a dollar Per Hundred acres, with a house tax regulated by the number of windows, and an excise on all spirituous liquors to be collected at the place of distillery ought to be substituted and as well as the duties on trade made coexistent with the public debts; the whole to be collected by persons appd. by Congs. alone, And that an alternative ought to [*be*] held out to the States, either to establish these permanent revenues for the interest, or to comply with a constitutional demand of the principle within a very short period.

In order to ascertain the sense of Congs. on these ideas it was proposed that the following short questions sd. be taken:

1. Shall any taxes to operate generally throughout the States be recommended by Congs., other than duties on foreign commerce?
2. Shall the 5 perCt. advalorem be exchanged for a tariff?
3. Shall the alternative be adopted as proposed by the Superintendent. of Finance?

On the 1st question the States were, N. H. no, Mas. no, Cont. no, N. J. no, Maryd. no, Virga. no. 6 noes & 5 ays.³

On the 2d question there were 7 ays.

The 3d question was not put, its impropriety being generally proclaimed.

In consequence of the 2d vote in favor of a tariff the 3 first paragraphs of the Rept. were recommitted together with the Letter from the Superintendt. of Finance.⁴

On the 4 par. on motion of Mr. Dyer, after the word "war" in "line 5" were inserted "agreeably to the resolution of the 16. of Decemr. last."

A motion was made by Mr. Hamilton and Mr. Wilson to strike out the limitation of 25 years and to make the revenue coexistent with the debts. This question was lost, the States being N. H. no, Mas. no, Cont. divd, N.Y. ay, N.J. ay, Pa. ay, Del. ay, Maryd. ay, Va. no, N. C. ay, S. C. no.

A motion was made by Mr. Hamilton & Mr. Wilson to strike out the clauses relative to the appointment of Collectors, and to provide that the Collectors shd be inhabitants of the States within which they sd. collect; should be nominated by Congs. and appointed by the States, and in case such nomination should not be accepted or rejected within days⁵ it should stand good. On this question there were 5 ays & 6 noes.

MS (DLC: Madison Papers). Madison, *Papers* (Hutchinson), 6:322–25.

¹ See Madison's Notes, March 6–7, 1783.

² For a detailed analysis of Robert Morris' March 8 response "to the funding plan that had been evolving in Congress since January," see Morris, *Papers* (Ferguson), 7:513–38.

³ Secretary Thomson made no entry in the journals for this day.

⁴ A copy of this order, in the hand of deputy secretary George Bond, is filed with Morris' March 8 letter in PCC, item 137, 2:163. See also *JCC*, 24:181–82.

⁵ In the form of this report debated on March 18, this passage was filled in to read "one month." *JCC*, 24:189. The passage which Hamilton's motion was designed to amend reads: "provided, that the collectors of the said duties shall be appointed by the states within which their offices are to be respectively exercised; but, when so appointed, shall be amenable to and removable by the United States in Congress assembled alone, and in case any State shall not make such appointment within after notice given for that purpose, the appointment may then be made by the United States in Congress assembled." *JCC*, 24:171.

James Madison to Edmund Randolph

My dear Sir

Philada. March 11th. 1783.

Your favor of the 1st inst. came to hand yesterday but unaccompanied by that of the preceding week referred to in it.¹

Another week has passed without affording the least relief from our suspense as to the progress of peace. At New York they are so much in the dark that their curiosity has recourse to the gleanings of the Philada. gazettes. The length of the negociation may be explained, but the delay of all parties to notify its progress is really astonishing. Our last official information is nearly 5 months old & that derived from the royal speech upwards of three months.

The peremptory style & publication of Mr. M's letters² have {given offence to many without}³ & {to some within Congress. His enemys of both} descriptions are {industrious in displaying their im}propriety. I wish {they had less handle for} the {purpose}.

The plan before Congress for the arrangemt. of our affairs is to ask from the States a power to levy for a term not exceeding 25 years the 5 perCt. impost, with an additional impost on salt, wine, spirituous liquors, sugars & teas; to recommend to them to establish & appropriate permanent revenues for a like term for the deficiency; the proceeds to be carried to their credit; the whole to be collected by persons amenable to Congs. but appd. by the States; to complete the territorial cessions; to enable Congs. to make abatements in favor of suffering States; Congs. on their part declaring that all reasonable military expences separately incurred by the States without their sanction either by sea or land shall be part of the common mass; and proposing to the States a substitution of numbers in place of a valuation of land; Slaves to be equal to 1 free man.⁴ The fate of this plan in Congs. is uncertain, & still more so among the States. It makes a decent provision for the public debts & seems to comprehend the most dangerous sources of future contests among ourselves. If the substance of it is rejected, and nothing better introduced in its place, I shall consider it as a melancholy proof that narrow & local views prevail over that liberal policy & those mutual concessions which our future tranquility and present reputation call for.

Mr. J——son⁵ is still here, agitated as you may suppose with the suspense in which he is kept. He is as anxious as myself for your going into the Legislature. Let me know your final determination on this point.

RC (DLC: Madison Papers). In Madison's hand, though not signed. Madison, *Papers* (Hutchinson), 6:326–27.

¹ See *ibid.*, p. 302.

² That is, Robert Morris's, for which see John Taylor Gilman to Meshech Weare, March 4, 1783, note 2.

³ Words printed in braces in this text were written by Madison in a cipher supplied by Randolph.

⁴ See Madison's Notes, March 6–7, 1783.

⁵ That is, Thomas Jefferson.

Maryland Delegates to William Paca

Sr,

Pha. March 11th. 1783

It is not in our power to give you any intelligence. There are no less than 3 packets due at New York, Rivington says, for Novr., Decr. & Jany & we may add allmost another for Feby.

Mr. Carroll is informd by the Intendant that the Delegates may expect a Bill on Pha. 30 days sight for £300. When received, we shall be under the necessity of negotiating it at the Bank—if it can be done; but that is uncertain, at any rate there woud be loss. We present our Comps. to the Gentlemen of the Council, & have the honor to be with great respect & esteem, Yr. Excellencys Mo. Obt & Hble Servt,

Tho. S. Lee

Danl Carroll

Wm. Hemsley

RC (MdAA: Red Books). Written by Carroll and signed by Carroll, Hemsley, and Lee.

John Francis Mercer to George Weedon

My dear General

March 11, 1783.

In haste, let me tell you that as yet, no official dispatches have arrived, so that you must wait another post, for peace. Nothing has transpired from the other side of the water, either at Philadelphia or New York. Here we wait with anxiety for the stage from Elizabethtown, and at New York, the shores are crowded, the evening they are to hear from Phila.

Barney has been detained a long time by Doct. Franklin, to bring the dispatches to Congress, and what can detain him I cannot imagine; however, we shall have it together soon. This much assure yourself of in private, and as to my friend in Chatham, let him keep up his tobacco. There will be peace this boat; there are no objections of weight from this side of the water. What there are may delay, but cannot prevent. Such as they were, went by De Rochambeau. The British had, by an article in the treaty, gained a kind of naturalization for their merchants in our dominions. A reciprocity of this advantage was directed to be demanded, at all events, a free trade to their West India Islands—which it is probable will be conceded. However, this is entre nous. Adieu,

John F. Mercer.

I have bought a McFingal for you, but it is too large to send by post.¹

Whenever the official communication arrives, I will drop you a line by an express, that will instantly set out for Virginia.

MS not found; reprinted from Thomas Balch, ed., *Papers Relating Chiefly to the Maryland Line During the Revolution* (Philadelphia: Printed for the Seventy-Six Society, 1857), pp. 203–4.

¹ The full four cantos of John Trumbull's *MFingal: A Modern Epic Poem* had been printed in at least three editions in Hartford, Conn., the preceding year. See Evans, *Am. Bibliography*, nos. 17,750–52.

Virginia Delegates to Benjamin Harrison

Sir

In Congress. March 11th. 1783

Yr. Excellency's Letter of 24th Feby. is receiv'd¹ & we are sorry that we are not yet enabled by official communications to relieve you from your anxiety on the subject of Peace, whenever they shall arrive, you may be assured that they shall be transmitted to you by express agreeably to yr. wish.

We have to remark to your Excellency, that no remittances have been made for sometime [*to*] the Delegates. It would be superfluous for us to add to yr. Excellency the consequences which arise from the little punctua[lity] we have experienced, in the payment of the appoint[ed sum?] allowed,² besides being exposed to the extortion which is practised here invariably whenever necessity obliges us [*to*] borrow money, it is not always that money may be had on any terms.

With much respect, We have the honor to be, Yr. Excellys. mo. obedt. & very hble Servants

John F. Mercer

Jos. Jones.

Theok. Bland Jr.

J. Madison Jr.

A. Lee

RC (Vi: Continental Congress Papers). Written by Mercer and signed by Mercer, Bland, Jones, Lee, and Madison. Madison, *Papers* (Hutchinson), 6:325.

¹ See *ibid.*, p. 281.

² For the March 22 remittance from Virginia treasurer Jacquelin Ambler, see *ibid.*, p. 405.

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